

SENATE.

THURSDAY, June 23, 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. KEAN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26730) making appropriations to supply deficiencies in appropriations for the fiscal year 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. HALE, Mr. GALLINGER, and Mr. CLAY the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 14760. An act to authorize and direct the President of the United States to place upon the retired list of the United States Navy Lieut. Commander James H. Reid, with the rank of major; and

H. R. 16877. An act to amend section 4521 of the Revised Statutes of the United States, as amended by act of June 11, 1908.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3638) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26987) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the purchase of sites for public buildings, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTHOLOTT, Mr. BURLEIGH, and Mr. THOMAS of North Carolina managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 18398) to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. DALZELL, and Mr. CLARK of Missouri managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 24649) to provide additional protection for owners of patents of the United States, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2250) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAINES, Mr. DIEKEMA, and Mr. RUCKER managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution rescinding the action of the Speaker of the House of Representatives and the Vice-President and President of the Senate in signing the enrolled bill (H. R. 2272), an act for the relief of John A. Brown, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

S. 1942. An act for the establishment of a probation system for the District of Columbia;

S. 5876. An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes;

S. 6118. An act to confer upon the city of New York the power to obstruct certain navigable waters wholly within its limits;

S. 6636. An act for the relief of assignees in good faith of entries of desert lands in Imperial County, Cal.;

S. 7021. An act to require apparatus and operators for radio communication on certain ocean steamers;

S. 7361. An act to give the consent of Congress to the building of a bridge by the cities of Menominee, Mich., and Marinette, Wis., over the Menominee River;

S. 7908. An act to authorize the Dauphin Island Railway and Harbor Company, its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay, and to dredge the said Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin islands;

S. 8668. An act amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;

H. R. 17664. An act authorizing patents to be issued to the equitable claimants of certain lands therein described;

H. R. 21124. An act to provide for an investigation of the surveys by which the southern boundary line of the State of Alabama, between ranges 4 and 14 east of the St. Stephens meridian, in Escambia County, was fixed, and for a report thereon;

H. R. 23311. An act making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes;

H. R. 20367. An act providing for an increase of salary for the United States marshal for the eastern district of Louisiana;

H. R. 25560. An act authorizing the Bowling Green and Northern Railroad Company to bridge Green and Barren rivers;

H. J. Res. 229. Joint resolution authorizing the Secretary of War to loan certain tents, cots, and stretchers for the use of the Benevolent and Protective Order of Elks at Detroit, Mich., in July, 1910; and

H. J. Res. 232. Joint resolution creating a commission to represent the United States at the celebration of the first centennial of the Republic of Mexico.

PETITIONS AND MEMORIALS.

Mr. OLIVER presented a petition of the Northampton County Medical Society, of Bethlehem, Pa., praying for the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the school board of West Pittston, Pa., praying that an appropriation be made for the extension of the field work of the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Branch No. 47, Glass Bottle Blowers' Association, of Sheffield, Pa., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Meadville, Pa., and a petition of the Business Men's Club of Jersey Shore, Pa., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a petition of sundry members of the Ladies of the Maccabees of the World, of Pittsburg, Pa., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Reading, Pa., praying for the enactment of legislation providing that a probationary period of at least one year be allowed after the enactment of a tariff law, which was referred to the Committee on Finance.

He also presented a petition of Pomona Grange, No. 5, Patrons of Husbandry, of Lime Ridge, Pa., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Lancaster, Pa., praying for the enactment of legislation to prohibit the printing of return envelopes by the Government, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a petition of sundry teachers of Central High School, Detroit, Mich., praying for the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented petitions of the St. Joseph County Medical Society, the Montcalm County Medical Society, the Michigan State Medical Society, the Houghton County Medical Society, the Stove Mounters and Steel Range Workers' Union of Detroit, and of Local Lodge No. 286, Brotherhood of Locomotive Firemen and Enginemen, of Saginaw, all in the State of Michigan, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chamber of Commerce of Berkeley, Cal., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Mount Pleasant, R. I., praying for the passage of the so-called "white-slave traffic bill," which was ordered to lie on the table.

Mr. KEAN presented memorials of F. Drittler, of Boonton; of the National Lock Washer Company, of Newark; and of F. Weingartner, of Englewood, all in the State of New Jersey; and of the National Association of Manufacturers, of New York City, N. Y., remonstrating against the adoption of the proposed amendment to the sundry civil appropriation bill exempting labor organizations from the operation of the Sherman anti-trust law, which were ordered to lie on the table.

Mr. PILES presented a petition of the Chamber of Commerce and Commercial Club of Port Angeles, Wash., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. CULLOM presented petitions of Local Lodge No. 716, of Villa Grove; of Local Lodge No. 535, of Chicago; of Local Lodge No. 588, of South Chicago; of Local Lodge No. 470, of Murphysboro; and of Local Lodge No. 49, of Decatur, all of the Brotherhood of Locomotive Firemen and Enginemen, in the State of Illinois, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HUGHES presented a petition of the Democratic State Editorial Association of Colorado, praying for the enactment of legislation to prohibit the printing of return envelopes by the Government, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry members of the Ladies of the Maccabees of the World, of Rico, Idaho Springs, Florence, La Jara, and Longmont, all in the State of Colorado, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry teachers of the public schools of Durango, Colo., praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented petitions of sundry citizens of Colorado Springs, Colo., praying for the passage of the so-called "boiler-inspection bill," which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Colorado, praying that an appropriation be made for the extension of the work of the Bureau of Public Roads, Department of Agriculture, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. STONE, from the Committee on Foreign Relations, to whom was referred the bill (S. 8355) for the relief of Marcus Ramadanovitch, alias Radich, a Montenegrin subject, reported it with an amendment and submitted a report (No. 908) thereon.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 15595) for the relief of S. H. Loftin, reported it without amendment and submitted a report (No. 909) thereon.

Mr. FRAZIER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 23697) for the relief of Jesse Elliott, reported it with an amendment and submitted a report (No. 913) thereon.

WAGES AND PRICES OF COMMODITIES.

Mr. LODGE. I submit the first report (No. 912) of the Select Committee on Wages and Prices of Commodities. I desire to state that there will be a minority report to be filed later, after the minority of the committee have had an opportunity to have an expert of their own go over the tables here presented.

I ask that an order be made that the minority report, whenever filed, shall be printed with the report of the majority. I also ask that there may be 5,000 copies each of the majority and minority reports printed.

The VICE-PRESIDENT. Is there objection to the order requested by the Senator from Massachusetts?

Mr. BACON. What is the order?

The VICE-PRESIDENT. That 5,000 extra copies of the report be printed.

Mr. LODGE. And of the minority report also.

The VICE-PRESIDENT. And also of the minority report, when presented.

Mr. NEWLANDS. What report is it, may I ask?

Mr. LODGE. A partial report from the Committee on Wages and Prices of Commodities.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 5,000 copies of Senate Report No. 912, Sixty-first Congress, second session, being the "First Report of the Select Committee on Wages and Prices of Commodities," and also 5,000 copies of the minority report of the same committee be printed.

ADDITIONAL JUDGE FOR EASTERN DISTRICT OF NEW YORK.

Mr. DEPEW. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 20148) to provide for an additional judge of the district court for the eastern district of New York, to report it favorably without amendment, and I ask for its immediate 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 a third reading, read the third time, and passed.

SALARIES OF DISTRICT ATTORNEYS AND MARSHALS IN TEXAS.

Mr. CLARK of Wyoming. From the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 12434) to make uniform the salaries of United States district attorneys and marshals in Texas. I call the attention of the Senator from Texas to the bill.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill.

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 a third reading, read the third time, and passed.

COURTS IN OKLAHOMA.

Mr. OVERMAN. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8913) to provide for times and places for holding of the regular terms of the United States circuit and district courts for the western district of the State of Oklahoma, and for other purposes, to report it favorably without amendment. I call the attention of the Senator from Oklahoma to the report.

Mr. GORE. I ask for the present consideration of the bill just reported by the Senator from North Carolina.

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 a third reading, read the third time, and passed.

LARNIE DEAN AND JAMES DEAN.

Mr. OLIVER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 8667) for the relief of Larnie Dean and James Dean, to report it favorably without amendment, and I submit a report (No. 907) thereon. I call the attention of the Senator from West Virginia [Mr. Scott] to the bill.

Mr. SCOTT. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Larnie Dean and James Dean, of Marion County, W. Va., the sum of \$200, in full compensation for loss of land, overflowed, submerged, and rendered worthless by the construction of locks and dams in the improvement of navigation on the Monongahela River, West

Virginia, during the years 1901 to 1903, pursuant to an act of Congress.

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

THE FIVE CIVILIZED TRIBES.

Mr. OWEN. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (S. 8661) for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes, to report it favorably with amendments, and I submit a report (No. 910) thereon. I ask for the present consideration of the bill.

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

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

The first amendment was, on page 1, line 6, after the word "Tribes," to strike out all of the bill down to and including the word "appropriated," on page 1, line 14, in the following words:

All school funds of the Five Civilized Tribes, whether heretofore set apart or not, shall be added to the funds of the tribes for per capita distribution, and the same is hereby appropriated for that purpose, and all funds due to any such tribes as annuities shall be capitalized on the basis of 20 for 1 whenever the Secretary of the Interior is ready to make the final distribution of the tribal funds in per capita payments, and a sum sufficient to pay the same is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 2, line 1, after the word "executives," to strike out the words "their secretaries" and to insert "one secretary to each chief executive, who shall also act as national secretary."

The amendment was agreed to.

Mr. KEAN. I think we ought to have some explanation of the bill.

Mr. OWEN. I did not understand the Senator.

Mr. KEAN. I merely asked for some explanation of the bill.

Mr. OWEN. I will ask the Secretary to read the letter of the Secretary of the Interior, if the Senate will prefer that.

Mr. KEAN. Certainly.

Mr. OWEN. The first item in the bill provides for the extension of the time as to town lots. It includes the town lots of McAlester, for example, on which the Government has property, and which has itself been forfeited by a failure to pay the amount required. The Secretary of the Interior has recommended it. The bill contains a number of small items which are necessary to winding up the affairs of those five tribes.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

The SECRETARY. On page 2, line 12, after the words "nineteen hundred and eight," insert:

Provided, Such conveyances were not made for an unreasonable consideration nor in fraud.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. CURTIS. Is the bill being considered by unanimous consent?

The VICE-PRESIDENT. The bill is up by unanimous consent.

Mr. CURTIS. If it is not too late, I will object to it.

The VICE-PRESIDENT. It is too late. The bill is under consideration by unanimous consent.

Mr. KEAN. The bill was read for the information of the Senate.

The VICE-PRESIDENT. The bill was read for the information of the Senate, after which the Chair put the question, and unanimous consent was given for its present consideration. Two amendments have been agreed to, and the Chair was just putting the question on agreeing to another amendment.

Mr. CURTIS. I understand the first part of the bill, which I understand has been agreed to, is proper and needed legislation, but this item just read is very strongly opposed by the Attorney-General and by the Secretary of the Interior, and I think it very unwise to pass a bill of the kind by unanimous consent. I understand the very same matter is now in conference, or will be in conference within a day or two, when perhaps a satisfactory amendment may be agreed to between the House and the Senate.

I suggest to the Senator from Oklahoma to let the bill go over until to-morrow and let us see if the matter is not taken up in conference, and I hope if it is that an amendment may be agreed upon which is satisfactory to the departments.

Mr. OWEN. In answer to what the Senator says with regard to the opposition of the Interior Department on this particular item, I will state that the bill was sent over to the Secretary of the Interior and his letter is here to speak for itself, submitted with the report. In so far as that question is concerned, an express provision is made that cases involving fraud or inadequate consideration are not to apply.

Mr. CURTIS. Does the Senator say he has a letter from the Secretary of the Interior in favor of the provision now before the Senate?

Mr. OWEN. I say the letter of the Secretary of the Interior deals with this question and points out that it would be objected to in cases involving fraud and inadequate consideration, and that an exception has been provided for by the committee covering that point.

Mr. CURTIS. If the Senator has a letter from the Secretary of the Interior which covers this question, I hope it may be read.

Mr. OWEN. I will ask that the letter of the Secretary of the Interior be read, if the Senator desires it.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter of the Secretary of the Interior.

The Secretary proceeded to read the letter, which is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 21, 1910.

HON. MOSES E. CLAPP,
Chairman Committee on Indian Affairs,
United States Senate.

SIR: In response to your request of June 14, 1910, for a report on S. 8661, entitled "A bill for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes," introduced in the Senate on June 11, 1910, by Mr. OWEN, of Oklahoma, I have the honor to suggest that the first item, authorizing the Secretary of the Interior to accept payment of the full amount of purchase money due on all town lots declared forfeited in the Five Civilized Tribes, be enacted into law.

Such item is made urgent and necessary by complications that have arisen upon failure of the original purchaser or schedulee to pay the full amount of purchase money due for town lots sold in town sites created in the Five Civilized Tribes, for his failure to pay which the Secretary of the Interior has declared forfeited all rights of the purchaser therein, together with all money paid thereunder, and has directed the lots upon which such forfeiture has been declared to be sold at public auction for cash, pursuant to section 12 of the act of Congress approved April 26, 1906. (34 Stat. L., 137.)

The Indian appropriation act approved March 3, 1900 (35 Stat. L., 805), extended the time to December 1, 1909, within which town-lot payments in default could be made before working forfeiture, but that time having expired, the Secretary has declared forfeited and caused to be sold many town lots for payments in default of which the present holders, purchasers from original schedulees, had no notice of amounts declared delinquent, having failed to file in the office of the Commissioner to the Five Civilized Tribes any record of the transfer of ownership of which the commissioner keeps only a record of the original schedulees, to whom notices of default were sent. Such subsequent purchasers protest against the declaration of forfeiture and sale of such lots on the ground that they are innocent purchasers for value and without notice of default, and have tendered and are willing to pay the amount of purchase money due, but the Secretary of the Interior has no authority to accept payments after declaration of forfeiture, which reverts the title to the lots in the nation.

It is believed that many meritorious cases require relief, and that the enactment of the proposed item in the form drawn will afford a remedy.

The bill also provides, line 6, that all school funds of the Five Civilized Tribes, whether heretofore set apart or not, shall be added to the funds of the tribe for per capita distribution, and the sum is hereby appropriated for that purpose.

It has been found necessary heretofore to use tribal funds for the support of the various schools in the several nations. Thirty-six tribal boarding schools or academies have been in existence for many years, and in the past have contributed in large measure to the advancement of the Indian people. Originally established and conducted by the tribal authorities, provision for their continued operation by the Secretary of the Interior was given by section 10 of the act of April 26, 1906 (34 Stat. L., 137-140), and funds for the purpose were appropriated.

For the fiscal year 1909 an appropriation of \$300,000 was made for the maintenance of all schools among the Five Tribes, of which amount \$235,291 was expended for the support of public day schools, and from the balance of the appropriation and from the tribal funds there was expended for the support of the 36 tribal schools \$325,329.

During the fiscal year 1910, with an appropriation of \$150,000 for all schools, there has been expended to date approximately \$102,550 for support of day schools, and from tribal funds, largely for the conduct of the tribal boarding schools, the approximate sum of \$242,322. By agreement with the Seminole Nation, approved by act of July 1, 1898 (30 Stat. L., 567), the sum of \$500,000 of the funds belonging to the Seminole Nation was set apart as a permanent school fund, the interest thereon at 5 per cent to be used for the maintenance of the two academies of this nation.

Thus it will be seen that it has been the well-established practice, in accordance with both the letter and the intention of the laws, to use the funds of the respective nations so far as necessary for the education of their children.

For the fiscal year 1911 an appropriation of \$75,000 has been made for the support of tribal schools, but this amount will be insufficient for the conduct of such schools as should be continued. There are at present about 36,000 individuals among the restricted allottees of the Five Tribes. The lands of the freedmen, with the exception of those of the Seminole Nation, are subject to taxation, and the State should provide for their education. Therefore it is the policy of the department to discontinue schools solely for the benefit of this class. It is also the intention to discontinue several of the boarding schools, although definite plans have not been formulated, and it is not possible at this time

to say what ones should be abandoned. So there will remain the necessity of providing for the education of the Indians until public facilities to which they may have access are provided by the State, and the restricted full bloods especially will be entirely dependent on the Federal Government for their education. Many of the present school plants are in need of better equipments, and the buildings, obviously old, are in urgent need of repair.

Although some of the schools shall be discontinued and only such maintained as are indispensable to afford training and education to those who will not obtain it otherwise, yet tribal funds will be required for their operation and improvement. Funds sufficient for school purposes should remain within the control of the department, and I recommend, therefore, that this provision of the bill be not enacted at this time.

The department offers no objection to the abolition of the tribal offices named in item 3, but suggests that the words "their secretaries," on lines 1 and 2, page 2, be stricken out and in lieu thereof these words be inserted: "one secretary to each chief executive, who shall also act as national secretary," as some of the chief executives have practically two secretaries.

The department urges that item 4, commencing with line 7 and concluding with line 12, on page 2, validating certain conveyances of inherited lands, be stricken from the bill as contrary to an opinion of the Attorney-General of August 17, 1909, on the subject, and is curative legislation which will validate conveyances procured for inadequate consideration and the result of unconscionable bargains. Dealing in full-blood inherited titles has been a most prolific field of graft, and it has been openly boasted that deeds would not be submitted for approval of department, but legislation validating same would be obtained. It would tend to dismissal of many suits already instituted by the Department of Justice to remove clouds from title to inherited land.

On May 18, 1910, the department transmitted to the chairman of the Senate Committee on Indian Affairs a copy of a telegram from the United States Indian superintendent, Union Agency, Muskogee, Okla., dated May 13, 1910, vigorously protesting against (the McGuire amendment, being section 29 to H. R. 24992) the exact language of the item in this bill (S. 8661), as follows:

"Press reports indicate passage amendment to omnibus Indian bill validating Five Tribes full-blood inherited land sale without approval of department. I desire to earnestly protest against this curative legislation. While there are many legitimate sales which are being promptly approved upon submission, there are hundreds that are absolutely unconscionable. Dealing in full-blood inherited title has been most prolific field of graft, and it has been openly boasted that deeds would not be submitted for approval of department, but legislation validating same would be obtained. Only best cases have been submitted, and of these investigation shows many instances where prices wholly inadequate and alleged consideration not paid. In one case recently submitted consideration was raised and accepted by purchaser from \$1,800 to \$15,000. Have no objections to unrestricted sale by mixed-blood heirs, but ignorant, full-blood heirs certainly need protection. Believe bill should be vigorously opposed. Letter follows."

On May 24, 1910, the department transmitted to your committee the letter that followed the above telegram, to which you are referred for another case wherein was paid an additional consideration of \$13,200, and in another case the grantee paid grantor an additional \$18,050. The superintendent shows that in cases already investigated a difference of \$91,202.23 has been found between the amounts received by the heirs and the amount at which the land has been appraised, of which \$23,517 has been collected, and the sum of \$67,685.23 has been called for before the deeds will be recommended for approval. It can readily be seen what great graft will be killed by eliminating the provision from the bill, which should be done.

With the objections noted, the bill meets the approval of the department.

Very respectfully,

R. A. BALLINGER, Secretary.

Mr. CURTIS. There is no dispute about the first amendment. That ought to go through. There is no question about that. The part of the bill I object to is that which takes away from the Secretary of the Interior the duty of approving the deeds of full-blood heirs conveying inherited lands.

The VICE-PRESIDENT. The question, then, is on agreeing to the amendment, if no further reading of the letter is desired. The amendment has been read.

The amendment was rejected.

The VICE-PRESIDENT. The next amendment of the committee will be stated.

Mr. CURTIS. I ask that the item be read to which the amendment was proposed. I want to move to strike it out.

The VICE-PRESIDENT. The Secretary will read the part of the bill requested.

The SECRETARY. Page 2, beginning in line 7, reads as follows:

Conveyances made by full-blood heirs subsequent to July 27, 1909, of allotted lands of allottees who died prior to May 27, 1908, shall be subject to the same rule of law as if the allottee had died subsequent to May 27, 1908.

Mr. CURTIS. I move to strike out that clause.

The VICE-PRESIDENT. The Senator from Kansas moves to strike out what the Secretary has just read.

Mr. CURTIS. The remarks I made a few minutes ago are applicable to this part of the bill, which was opposed by the Secretary of the Interior, upon a report from the officers of the department, in which they say that many of the frauds committed in Oklahoma against the property there is traceable to the law which was passed two or three years ago taking away from the Secretary of the Interior the duty of approving the deeds made by full-blood heirs to their inherited property, and which is sought to be extended by this amendment. The same objection was made by the Attorney-General, and I think it would be unwise to put this provision in the bill by unanimous consent at this time. I therefore ask that my amendment be

agreed to. The letter of the Attorney-General is dated May 21, 1910, and that of the Secretary of the Interior is dated May 24, 1910, and are each addressed to the chairman of the Committee on Indian Affairs [Mr. CLAPP].

Mr. OWEN. Mr. President, this is a matter which relates peculiarly to Oklahoma. It is a matter with which the people of Kansas are not peculiarly concerned. The Oklahoma delegation desires this legislation. The distinction which has been made with regard to these dead claims, so called, is an artificial line drawn on the 27th of July, 1908. The rule of the probate court applies to all cases subsequent to May 27, 1908. This proposal is to make them uniform, so that the probate courts of the State of Oklahoma shall have due honor and respect as a State of equal status with any other State in the Union.

I shall not debate it. I leave it to the Senate, and I ask the Senate to approve it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas to strike out the clause which has been read.

The amendment was agreed to.

The VICE-PRESIDENT. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. CURTIS. I should like to hear the bill read as it stands. The VICE-PRESIDENT. Without objection, the Secretary will read the bill as it is recommended to the Senate by the Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to accept payment of the full amount of purchase money due, including interest to date, on all town lots heretofore declared forfeited in the Five Civilized Tribes. All tribal offices are hereby abolished except the chief executives, one secretary to each chief executive, who shall also act as national secretary, and the mining trustees of the Choctaw and Chickasaw nations, and the attorneys of the said tribes, whose offices shall terminate June 30, 1912, unless otherwise expressly provided by law, at which date the tribal existence shall terminate.

All per capita payments made to citizens of the Five Civilized Tribes in distributing the tribal property as provided by agreement shall be made by check, requiring two witnesses to the signature or mark of the payee: *Provided*, That in no case shall any such check be discounted at a rate in excess of one-half of 1 per cent under penalty of \$1,000 fine.

Mr. CURTIS. I think the bill as amended should be passed.

The amendments were concurred in.

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

INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred S. Res. 236, submitted by Mr. GALLINGER on the 16th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 236.

Resolved, That the Committee on the District of Columbia be, and hereby is, authorized and directed, by subcommittee or otherwise, to prepare a code of laws for the regulation and control of insurance companies doing business within the District of Columbia; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the session or recess of the Senate, to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report its hearings, and to have such hearings printed. Said committee shall report the code prepared by them to the Senate. And all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

CLERK TO COMMITTEE ON PACIFIC RAILROADS.

Mr. KEAN. I report, from the Committee to Audit and Control the Contingent Expenses of the Senate, a resolution, for which I ask present consideration.

The Secretary read the resolution (S. Res. 273), as follows:

Senate resolution 273.

Resolved, That the Committee on Pacific Railroads be authorized to employ an additional clerk until the beginning of the next session of Congress at the rate of \$1,440 per annum, to be paid from the contingent fund of the Senate.

Mr. OVERMAN. What is the object of the resolution, Mr. President?

Mr. KEAN. It is to authorize the Committee on Pacific Railroads to employ a clerk until the beginning of the next session of Congress. The reason for this is that the present clerk is ill with typhoid fever.

Mr. CLAPP. I suppose the railroad bill which has been recently passed has added very materially to the work of that committee.

Mr. KEAN. Not at all; but the Senator, who is the chairman of the committee is entitled to a clerk. If his clerk is ill, he ought to have some one else to assist him.

Mr. SHIVELY. Does the Senator from New Jersey think the committee will have a meeting? Has it had a meeting at the present session?

Mr. KEAN. I am not informed on that subject.

The VICE-PRESIDENT. In the absence of objection, the resolution is agreed to.

USELESS PAPERS IN DEPARTMENT OF COMMERCE AND LABOR.

Mr. SIMMONS, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following report (No. 911), which was read, considered by unanimous consent, and agreed to:

The Joint Select Committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Secretary of Commerce and Labor in House Document No. 949, Sixty-first Congress, second session, dated June 4, 1910, are not needed in the transaction of the current business of such departments and bureaus and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

F. M. SIMMONS,
J. B. FRAZIER,

Members on the part of the Senate.

ARTHUR L. BATES,
J. FRED. C. TALBOTT,

Members on the part of the House.

COMMERCE COURT JUDGES.

Mr. BACON. I introduce a bill which I ask may be read in full at the desk before the order of reference is made. It is very short.

The bill (S. 8823) to amend the act entitled "An act to create a commerce court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the five circuit judges authorized to be appointed by the first section of said act and their successors in office shall constitute the permanent judges of the said commerce court, and shall not after their appointment be designated by the Chief Justice of the United States for service in the circuit court of any district or the circuit court of appeals for any circuit, nor shall they exercise any of the powers of a circuit court judge except those specified in said act as the powers of the said commerce court.

SEC. 2. That in the case of the death, resignation, or vacancy from any other cause of either of the said five judges appointed under the provisions of the said act, the President shall, by and with the advice and consent of the Senate, appoint his successor in said office, to be clothed with the same duties and powers and limitations thereof as are specified in the said act creating the said commerce court as amended and prescribed in this act.

SEC. 3. That the circuit judges of the United States other than the said five judges authorized to be appointed under said act approved June 18, 1910, and the successors in office of the said five judges, shall not be eligible to perform or exercise the duties and powers of the said court of commerce created by said act, nor shall they be designated or assigned by the Chief Justice of the United States for service in said commerce court or to exercise or perform any of the powers or duties of said court.

SEC. 4. That all laws and parts of laws conflicting with this act be, and the same are hereby, repealed.

Mr. BACON. Mr. President, before the reference of the bill is made, I desire to say simply a word.

As will be recognized by the Senate, it is a bill to amend the act recently passed and approved creating the commerce court. I want to say that in the introduction of this bill I am not moved by any purpose to indicate a partisan or factious opposition to what has been already enacted into law, but it is simply my design to accomplish what I think is for the public good and what I believe is in accord with the general sentiment of Congress, of the legal profession, and of the bench of the country at large.

I will state briefly what that purpose is. Of course it is a well-known fact in the Senate that I did not favor the creation of this court. I think it an unnecessary court; but, waiving that question, this bill does not seek in any manner to dispense with that court or to abolish it, nor in any way to deprive it of any of its powers. It is simply a bill seeking to constitute a regular body of judiciary for that court, confining them to that court, and not permitting the law to remain as it is now under which that court is mingled, as it were, with the circuit courts of the United States.

The two principal features objectionable in the present law in the constitution of that court are these: The first one is that the five judges, who are to be appointed under the name of circuit judges but in reality as judges of the court of commerce, are made eligible, after they have completed their service of five years in that court, to be transferred to duty in the circuit courts; in other words, while they are judges of the commerce court they have none of the powers of the judges of the circuit courts, but are confined specifically by the terms of that act to the performance and the exercise of the powers of the commerce court. I think that it would be infinitely better that the judges of that court should remain judges of that court, and I do not think that five years' service upon that bench is any special qualification for proper and efficient service on the circuit bench. On the contrary, I think it is a distinct disqualification, and will inure undoubtedly to the depreciation of the character of the service which is now rendered, and which will otherwise be rendered, by the circuit court judges in the exercise of the powers of the circuit courts of the United States.

The next objection is that while the judges of the commerce court can be transferred for duty to the circuit court bench after serving five years upon the commerce court, it is provided, under the recently enacted law, that the present circuit court judges can be taken from their places upon the circuit court bench, deprived of their powers as circuit judges, denied the right to exercise them for five years, and be assigned to duty for five years upon the bench of the commerce court.

This bill is designed simply to correct those two features by making the judges of the commerce court the permanent judges of the court, and not permitting them to be transferred thereafter to the circuit court; and, second, permitting and requiring the present circuit court judges to remain in their present stations, and in the exercise of their full powers as circuit court judges, and not permitting or requiring them to be taken from their places on the circuit court bench and to be transferred to the commerce court.

I introduce the bill, Mr. President, in no partisan spirit, but in the utmost good faith in the hope, not, of course, that action may be had at the present session, but in the hope that within the present Congress it may receive calm and careful and unpartisan and dispassionate consideration on the part of the Senate and of the House, and that it may become a law.

I ask, Mr. President, that the bill be referred to the Committee on the Judiciary.

The VICE-PRESIDENT. Without objection, the bill will be referred to the Committee on the Judiciary, at the request of the Senator from Georgia.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. PAGE (for Mr. DILLINGHAM):

A bill (S. 8824) granting an increase of pension to Clark H. Butterfield (with an accompanying paper); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 8825) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce by railroad to establish and maintain a safe and sufficient clearance between structures located on their roadways and cars passing over their lines, and for other purposes; to the Committee on Interstate Commerce.

By Mr. OLIVER:

A bill (S. 8826) to repay the Pennsylvania Railroad Company for expenses incurred by it under quarantine and disinfection orders of the Department of Agriculture; to the Committee on Claims.

By Mr. JONES:

A bill (S. 8827) granting an increase of pension to John H. Reed; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 8828) authorizing the Secretary of Commerce and Labor to exchange the site of the proposed immigration station at Boston, Mass., in his discretion; to the Committee on Public Buildings and Grounds.

By Mr. BANKHEAD (by request):

A bill (S. 8829) to protect persons who report crimes against oppression while so doing or on account of so doing; to the Committee on the Judiciary.

By Mr. FLINT:

A joint resolution (S. J. Res. 118) making an appropriation to permit the President to protect lands and property in Imperial Valley, California; to the Committee on Appropriations.

COURTS IN ARKANSAS.

Mr. OVERMAN submitted the following concurrent resolution (S. C. Res. 37), which was considered by unanimous consent and agreed to:

Senate concurrent resolution 37.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6719) to provide for the sittings of the United States circuit and district courts of the eastern division of the eastern district of Arkansas at the city of Jonesboro in said district.

INDIAN LANDS IN OKLAHOMA.

Mr. GORE submitted the following resolution (S. Res. 272), which was considered by unanimous consent and agreed to:

Senate resolution 272.

Resolved, That the Secretary of the Interior be directed to transmit to the Senate a list of the sales of all Indian allotments which belonged to deceased Indians of the Kaw and Otoe tribes of Indians in Oklahoma, and a list of all such allotments now offered for sale, and to inform the Senate whether such sales have been private or have been made in accordance with established rules and regulations of the department in such cases, and whether the pending sales are to be made in accordance with such rules and regulations or at private sales, and also to furnish a list of the vendors and vendees in all such sales and a list of the bids which were accepted and which were rejected.

RETIREMENT OF GOVERNMENT EMPLOYEES.

Mr. CUMMINS submitted the following resolution (S. Res. 270), which was considered by unanimous consent and agreed to:

Senate resolution 270.

Resolved, That the Secretary of the Department of Commerce and Labor be directed to transmit to the Senate a report prepared under the direction of the Director of the Census relating to the cost of retiring superannuated government employees; and

Resolved, That if such report comes into possession of the Secretary of the Senate after the expiration of the present session and before the beginning of the next session, that it shall be printed for the use of the Committee on Civil Service and Retrenchment.

LANDS OF CHOCTAW AND CHICKASAW INDIANS.

Mr. GORE submitted the following resolution (S. Res. 274), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 274.

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, is authorized and directed to investigate and report at or during the next session, whether or not there is any necessity for the employment of private counsel or agents in connection with the sale of the segregated coal and asphalt lands belonging to the Chickasaw and Choctaw tribes of Indians, and, if the employment of such counsel be necessary, whether a fee of 10 per cent on the proceeds be a reasonable or an unreasonable fee.

Resolved further, That it is the sense of the Senate that no contracts relating to the sale of such segregated coal and asphalt lands and relating to any fees or commissions connected with such sale should be approved until the report herein provided for is submitted.

PAY DEPARTMENTS OF THE NAVY.

Mr. PERKINS. For the senior Senator from South Carolina [Mr. TILLMAN] I present the report of Pay Inspector Samuel McGowan, U. S. Navy, which describes the operations of the pay departments of the vessels of the Atlantic Fleet on the cruise around the world. I move that the report be printed as a Senate document (S. Doc. No. 646).

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had, on June 23, 1910, approved and signed the following acts:

S. 4711. An act changing the name of the St. Johns collection district, in the State of Florida, to the Jacksonville collection district;

S. 5035. An act granting cumulative annual leave of absence to storekeepers, gaugers, and storekeeper-gaugers, with pay;

S. 5048. An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act;

S. 7158. An act authorizing and directing the Department of State to ascertain and report to Congress damages and losses sustained by certain citizens of the United States on account of the naval operations in and about the town of Apia, in the Samoan Islands, by the United States and Great Britain, in March, April, and May, 1899;

S. 1119. An act to authorize the appointment of Frank de L. Carrington as a major on the retired list of the United States Army;

S. 8086. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and wars other than the civil war, and certain widows and dependent relatives of such soldiers and sailors;

S. 8222. An act granting to the Northern Pacific Railway Company the right to construct and maintain a bridge across the Yellowstone River;

S. 8316. An act authorizing the construction of a bridge across the Columbia River between the counties of Grant and Kittitas, in the State of Washington;

S. 8425. An act to authorize the St. Louis-Kansas City Electric Railway Company to construct a bridge across the Missouri River at or near the town of St. Charles, Mo.;

S. 8426. An act to authorize the St. Louis-Kansas City Electric Railway Company to construct a bridge across the Missouri River at or near the town of Arrow Rock, Mo.;

S. 8615. An act to authorize the Southern Development Company to construct a bridge across the Arkansas River; and

S. 8697. An act to authorize the Stockton Terminal and Eastern Railroad Company, a corporation organized under the laws of the State of California, to construct a bridge across the Stockton diverting canal, connecting Mormon Channel with the Calaveras River, in the county of San Joaquin, State of California.

JOHN A. BROWN.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read and considered by unanimous consent and agreed to:

House concurrent resolution 50.

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice-President and President of the Senate in signing the enrolled bill H. R. 2272, "An act for the relief of John A. Brown," be rescinded, and that in the reenrollment of the bill the following amendment be made, to wit:

"Strike out all after the enacting clause and insert the following: That in the administration of the pension laws John A. Brown, who served on the U. S. S. New Ironsides until March 31, 1865, shall hereafter be held and considered to have been honorably discharged from the naval service on that date."

PUBLIC BUILDINGS BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26987) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist on its amendments and accede to the request of the House for a conference, the conferees on the part of the Senate to be appointed by the Chair.

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

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 2250) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, and requesting a conference with the Senate upon the disagreeing votes of the two Houses thereon.

Mr. BURROWS. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. BURROWS, Mr. DEFEW, and Mr. BAILEY the conferees on the part of the Senate.

CLAIMS OF LETTER CARRIERS.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3638) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

HENRY E. BURNHAM,
REED SMOOT,

Managers on the part of the Senate.

GEORGE W. PRINCE,
C. A. LINDBERGH,
H. M. GOLDFOGLE,

Managers on the part of the House.

Mr. BURTON. I should like to understand what is the significance of the bill covered by this conference report.

The VICE-PRESIDENT. The Senator from New Hampshire [Mr. BURNHAM], who submitted the report, will give the Senator from Ohio the information he desires.

Mr. BURNHAM. What was the question of the Senator from Ohio?

Mr. BURTON. I ask what is the purport of the conference report the Senator from New Hampshire has just submitted, which states that the Senate recedes from its position, as I understand?

Mr. BURNHAM. It limits the compensation of claim agents and makes it a misdemeanor to accept a larger compensation. That is the substance of it.

Mr. BURTON. What is the amount involved?

Mr. BURNHAM. The letter carriers' bill involves quite a large amount—the sum of \$282,000.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

HOUSE BILL REFERRED.

H. R. 24649. An act to provide additional protection for owners of patents of the United States, and for other purposes, was read twice by its title and referred to the Committee on Patents.

RESURVEY OF TOWNSHIPS IN WYOMING.

Mr. HUGHES. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 164) construing section 6 of the act of May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes."

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

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in computing the time for which credit shall be given to the homestead settlers, their widows or minor heirs, under the provisions of section 6 of the act of May 29, 1908, entitled "An act authorizing the resurvey of certain townships in the State of Wyoming, and for other purposes," credit shall be given for the full period of actual residence upon the lands to which they were unable to complete title; *Provided*, That such credit shall not extend beyond the date of judgments in ejectment against such settlers rendered by the courts.

SEC. 2. That the limitation of time in which second entries may be made under section 6 of the act aforesaid shall be extended for the period of twelve months from the date of the passage of this resolution.

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

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. GALLINGER. Mr. President, a few days ago I asked unanimous consent that the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," should be made the special order for Monday, December 12, 1910, immediately after the routine morning business.

It was objected to by the Senator from Texas, but I feel sure, inasmuch as the Senator has examined the bill, he will not renew his objection.

I want to say that this is merely an extension of the mail act of 1891. The bill passed the Senate without a division during the last Congress. It passed the committee practically without a division, and with no minority report. I have been patient in not moving to take it up, as I might have done at any time, and I hope there will be no objection to making it a special order for the date named.

Mr. BAILEY. I objected to that request when it was made several days ago, and after the matter had passed from the consideration of the Senate the Senator from New Hampshire told me that this is not what is generally known as the ship-subsidy bill.

Mr. GALLINGER. It is not.

Mr. BAILEY. And he also advised me, as he has just stated to the Senate, that there was no division in the committee on it. Of course I have no thought of doing what the Democratic members of the committee did not think it necessary to do, and I leave the matter entirely with them. Still I should feel compelled, if it were what is commonly known as a bill to grant a subsidy, to oppose even a request for its consideration. But if it suits the members of the committee, I certainly shall interpose no objection.

The VICE-PRESIDENT. Is there objection?

Mr. LA FOLLETTE. I think I will have to object.

The VICE-PRESIDENT. The Senator from Wisconsin objects.

Mr. GALLINGER. I give notice when the bill which is now the unfinished business has been disposed of, I will move that the Senate proceed to the consideration of this bill.

CLAIMS UNDER ACT OF FEBRUARY 27, 1902.

Mr. BRADLEY. I desire to call up the joint resolution (S. J. Res. 117) extending the time for the filing of claims under the provisions of the act of February 27, 1902.

The VICE-PRESIDENT. The Senator from Kentucky asks unanimous consent for the present consideration of the joint resolution indicated by him. Is there objection?

Mr. HEYBURN. I object to the present consideration.

The VICE-PRESIDENT. Objection is made.

OMNIBUS CLAIMS BILL.

Mr. BURNHAM. I ask for the present consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

Mr. WARREN. May I appeal to the Senator for a minute? I wish to support the bill if there is an opportunity to pass it, but does the Senator think at this time we will have time to finish it to-day before the regular order would come up?

The VICE-PRESIDENT. The regular order has been demanded. That is not the regular order. Is there other morning business?

S. H. LOFTIN.

Mr. CARTER. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 15595) for the relief of S. H. Loftin, to report it without amendment. I call the attention of the Senator from North Carolina to it.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to S. H. Loftin, of North Carolina, \$68 for rent of building for post-office in Kinston, N. C., from January 1, 1903, to March 9, 1903.

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

FORT BELKNAP INDIAN RESERVATION, MONT.

Mr. CARTER. With the approval of the Committee on Indian Affairs, I present and ask for the immediate consideration of the resolution I send to the desk.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Senate resolution 271.

Resolved, That the Secretary of the Interior be, and is hereby, directed to ascertain and report to the Senate the terms and conditions under which the United States may acquire and make available for settlement the northerly one-fourth of the Fort Belknap Indian Reservation, in the State of Montana, together with improvements thereon and easements thereunto belonging.

EMPLOYEES IN IRON AND STEEL INDUSTRY.

Mr. BORAH. I ask that Senate resolution 237, directing the Department of Commerce and Labor to investigate and report to the Senate as to conditions of employment prevailing in the iron and steel industries of the United States, on the table, be taken up.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Idaho, which will be read for the information of the Senate.

The resolution (S. Res. 237) was read, as follows:

Senate resolution 237.

Resolved, That the Department of Commerce and Labor, through the Bureau of Labor, be, and is hereby, directed to investigate and report to the Senate as early as possible as to the conditions of the employment prevailing in the iron and steel industry of the United States, with the details concerning the wages paid, the hours of labor per day, and the number of days' labor per week, and the number employed.

Mr. SMITH of South Carolina. I should like to have the resolution read again.

The Secretary again read the resolution.

Mr. SMITH of South Carolina. If the Senator from Idaho will allow me for a moment I will read this resolution, which was passed, I believe, February 3, 1910:

Senate resolution 163.

Resolved, That there shall be appointed by the President of the Senate a select committee of seven Senators to investigate the cost of living and the prices of the necessities of life and of articles in common use, both foreign and domestic, and to ascertain, as far as possible, whether such prices have increased during the past ten years, and the cause or causes of such increase.

And then it goes on and gives this committee plenary power. After the Senator from Idaho shall have concluded, if the morning hour has not expired, I want to say a word. This committee has brought in only a partial report. We have given plenary power to investigate this very point, upon which the Senator from Idaho has introduced a resolution; and if we had discharged our duty fully we would have been able at that time to have brought in a report that would have covered the cost of all these articles.

I wanted to call attention to that fact in this connection before the resolution is disposed of, because I do not see the necessity of duplicating these investigating committees. One is already in existence, and now about to make a partial report in reference to the matters investigated.

Mr. GALLINGER. Mr. President, the Senator from South Carolina was not present in the Chamber, perhaps, when the Senator from Massachusetts presented the report this morning. He stated it was a partial report, a preliminary report from the Committee on Prices and Wages.

Mr. SMITH of South Carolina. I desire to say to the Senator from New Hampshire, if the Senator from Idaho will allow me, that I do not think it is fair to the American people or to our committee to take out certain articles and make a partial report on them on the eve of an election, and give it a political aspect, when we propose to investigate, as honest men and American citizens, what is the cause of the high cost of living.

We have before us here a report that does not touch the article upon which the tariff would have a profound influence, and I protest against their making any preliminary report. If necessary, continue your committee and let the inquiry of the Senator from Idaho be incorporated, but allow us to investigate down to the ground. If we are going to make this a kind of a hodgepodge, let us quit.

Mr. OLIVER. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Pennsylvania will state it.

Mr. OLIVER. Will an objection prevent the present consideration of the resolution?

The VICE-PRESIDENT. It will not. The question is on agreeing to the resolution.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. BURNHAM. I desire to renew my request for the consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

The VICE-PRESIDENT. Is there objection?

Mr. WARREN. I do not want to object at this moment, but I do desire to appeal to the Senator from New Hampshire to consider this condition. I have never known of a session since I have been in the Senate but that some days—usually four or five days—before the end we have turned to the calendar and taken up under Rule VIII the unobjected House bills, this for the purpose of expediting business by getting them to the enrolling clerks and thence to the President and from the President to his various Cabinet officers and back again in time to receive the signature of the President; otherwise the rather unimportant bills—important individually, but unimportant to the public—will receive a pocket veto because of lack of attention. Then all the work and the printing done go for naught, and we have to commence all over again at a subsequent session.

I desire to ask the Senator if he would not be willing to withdraw his request, and consent, if we can get unanimous consent, to take up the unobjected House bills on the calendar until the regular order may be called.

Mr. BURNHAM. In view of the suggestion made by the Senator from Wyoming, I withdraw my request for the present.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the Senate now take up the unobjected House bills on the calendar for consideration under Rule VIII.

Mr. BURKETT. I should like to ask the Senator from Wyoming before that order is taken up to permit me to call up the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, because that is expected to pass the House, and it is necessary to have it go through here, for it is still to go through the House.

Mr. WARREN. Mr. President—

Mr. BURKETT. I should like to ask unanimous consent to call up that bill.

Mr. WARREN. One moment.

The VICE-PRESIDENT. One request for unanimous consent is now pending.

Mr. WARREN. The Senator's case is a peculiar one, and while I am afraid he will not get the bill through the House, I am willing to delay the request for unanimous consent for the bill mentioned by him, if that can settle it.

Mr. CULLOM. It will lead to debate.

Mr. WARREN. But if it leads to debate—

Mr. BURKETT. I think it will not, I will say to the Senator. I ask unanimous consent for its present consideration.

Mr. WARREN. I withhold for the moment the request I submitted.

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

The SECRETARY. A bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto.

The VICE-PRESIDENT. Is there objection?

Mr. BULKELEY. I object.

The VICE-PRESIDENT. The Senator from Connecticut objects.

Mr. WARREN. I renew my request.

JOHN A. BROWN.

Mr. BACON. I ask the Senator from Wyoming to allow the Senate to act upon a resolution coming from the House to correct an error in a bill already passed. It will take but a moment.

Mr. WARREN. Is it on the calendar?

Mr. BACON. It is for a correction in enrollment.

Mr. WARREN. Is it on the calendar?

Mr. BACON. It came over only this morning.

Mr. WARREN. Very well.

Mr. BACON. It is simply to correct an error in a bill already passed.

Mr. WARREN. I yield.

Mr. BACON. I ask the Chair to lay before the Senate the resolution of the House of Representatives in relation to the bill (H. R. 2772) for the relief of John A. Brown.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution of the House of Representatives, which will be read.

The concurrent resolution was read, as follows:

House concurrent resolution 50.

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice-President and President of the Senate in signing the enrolled bill H. R. 2272, "An act for the relief of John A. Brown," be rescinded, and that in the reenrollment of the bill the following amendment be made, to wit:

Strike out all after the enacting clause and insert the following: "That in the administration of the pension laws John A. Brown, who served on the U. S. S. New Ironsides until March 31, 1865, shall hereafter be held and considered to have been honorably discharged from the naval service on that date."

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

ORDER OF BUSINESS.

Mr. BULKELEY. Regular order, Mr. President.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. BURKETT. I move that the Senate proceed to the consideration of the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto.

Mr. GALLINGER. There is a request before the Senate.

Mr. BULKELEY. Regular order!

The VICE-PRESIDENT. The regular order is demanded. The regular order is the request of the Senator from Wyoming. Is there objection?

Mr. BURKETT. To see whether we can get this bill up, I object for the present. I move that the Senate proceed to the consideration of the bill I have indicated.

Mr. BULKELEY. Regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded. The regular order is the calendar. The calendar, under Rule VIII, will be considered.

PRACTICE IN FEDERAL COURTS.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as the first business in order on the calendar.

Mr. OVERMAN. I move that the bill be indefinitely postponed.

The motion was agreed to.

BILLS PASSED OVER.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property was announced as the next business in order on the calendar.

Mr. GALLINGER. Let it go over.

The VICE-PRESIDENT. The bill will go over.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as the next business in order.

Mr. GALLINGER. Let the bill go over.

Mr. SMOOT. I should like to have orders of business 74 and 178 go over under Rule IX.

The VICE-PRESIDENT. It will be so ordered.

The bill (S. 5715) providing for the establishment of building lines and special building restrictions in the District of Columbia was announced as the next business in order on the calendar.

Mr. HEYBURN. Let it go over under Rule IX.

The VICE-PRESIDENT. Is there objection to the bill being placed under Rule IX? The Chair hears none.

RESURVEYS OF PUBLIC LANDS.

The joint resolution (H. J. Res. 116) to amend an act to correct chapter 271 of volume 35, United States Statutes at Large, was considered as in Committee of the Whole.

Mr. CLARK of Wyoming. The joint resolution has been read.

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

The title was amended so as to read: "Joint resolution to amend and correct chapter 271 of volume 35, United States Statutes at Large."

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 3528) to reimburse depositors of the Freedman's Savings and Trust Company was announced as next in order.

Mr. JOHNSTON. Let the bill go over under Rule IX.

The VICE-PRESIDENT. Without objection, the bill will go to the calendar under Rule IX.

Mr. GALLINGER. I object to its going under Rule IX.

The VICE-PRESIDENT. The bill will go over.

Mr. GALLINGER. It ought to be passed.

The VICE-PRESIDENT. The bill simply goes over.

MERRITT & CHAPMAN WRECKING COMPANY.

The bill (S. 3904) for the relief of the Merritt & Chapman Wrecking Company was announced as next in order.

Mr. KEAN. The bill has been read and an amendment inserting "Derrick and" before "Wrecking" was agreed to.

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

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

The title was amended to read: "A bill for the relief of the Merritt & Chapman Derrick and Wrecking Company."

ADULTERATED OR MISBRANDED PAINT, ETC.

The bill (S. 1130) for preventing the manufacture, sale, or transportation of adulterated or misbranded paint, turpentine, or linseed oil was announced as next in order.

Mr. CLAY. Let the bill go over.

The VICE-PRESIDENT. The bill will go over on the request of the Senator from Georgia.

FRANK J. BOUDINOT.

The bill (S. 7088) for the relief of Frank J. Boudinot was announced as next in order.

Mr. GORE. I ask that the bill be placed on the calendar under Rule IX.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and the bill goes to the calendar under Rule IX.

ACTING ASSISTANT SURGEONS IN THE NAVY.

The bill (S. 4745) to equalize the pay and allowances of assistant surgeons and acting assistant surgeons in the United States Navy was considered as in Committee of the Whole. It provides that acting assistant surgeons shall receive the same pay and allowances as are, or may hereafter be, received by assistant surgeons in the United States Navy.

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

RETURN OF ORDINANCE OF SECESSION.

The next business on the calendar was concurrent resolution No. 16, authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, etc.

Mr. HEYBURN. I object to that.

The VICE-PRESIDENT. The concurrent resolution goes over.

PRICES AND WAGES.

The next business on the calendar was Senate resolution 212, authorizing the Select Committee on Wages and Prices of Commodities to expend a sum, not to exceed \$65,000, to make inquiry into present prices and wages, etc.

Mr. GALLINGER. Let it go over.

The PRESIDENT pro tempore. The resolution will go over.

WATER RIGHTS.

The bill (S. 6842) to authorize the Secretary of the Interior to rent water to actual settlers, and for other purposes, was announced as next in order.

Mr. CLAPP. I think this bill would lead to discussion, and it had better go over.

Mr. CURTIS. I hope the Senator from Minnesota will withdraw his objection. The Senator from Idaho [Mr. HEYBURN] looked into it, and I understand he withdraws the objection he made to it.

Mr. HEYBURN. Yes; I on a former occasion objected. I have examined the bill. As amended, it is not objectionable.

Mr. CLAPP. I withdraw the suggestion.

The Senate, as in Committee of the Whole, considered the bill, which had been reported from the Committee on Irrigation and Reclamation of Arid Lands with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior may, in his discretion, withdraw any public notice issued under section 4 of the reclamation act of June 17, 1902, and he may agree to such modification of water-right applications duly filed or contracts with water users' associations and others, entered into prior to such withdrawal, as he may deem advisable, or he may consent to the abrogation of such water-right applications and contracts, and proceed in all respects as if no such notice had been given.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

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

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes."

MISSION FARM COMPANY, ETC.

The bill (S. 7676) for the relief of the Mission Farm Company, Peter Volondra, and others was announced as next in order.

Mr. GAMBLE. I ask that the bill may go over. It was included in the omnibus bill, which passed the Senate yesterday.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The bill will go over.

INDIAN ALLOTMENTS.

The bill (S. 5256) to amend chapter 1402, volume 33, United States Statutes at Large, was announced as next in order.

Mr. KEAN rose.

Mr. CLAPP. The bill relates to the Yuma Reservation. The Indian Office have asked to increase the acreage of irrigation from 5 to 10 acres for each Indian.

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

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

JAMES RIVER DAM, MISSOURI.

The bill (S. 574) to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heferman, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River, in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power, was announced as next in order.

Mr. KEAN. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

JACOB WHITLOCK.

The bill (H. R. 23217) repealing part of the act of March 5, 1910, relating to an increase of pension to Jacob Whitlock, was considered as in Committee of the Whole. It proposes to repeal so much of the act of Congress approved March 5, 1910, increasing the pension of Jacob Whitlock, late of Company B, First Regiment New Jersey Volunteer Infantry, and unassigned First Battalion Veteran Reserve Corps.

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

CHEYENNE RIVER INDIAN RESERVATION LANDS.

The bill (S. 3285) to authorize the sale and disposition of the surplus and unallotted lands in the Cheyenne River Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, page 3, line 22, after the word "laws," to insert the following proviso:

Provided, however, That the said Secretary is hereby authorized to designate the superintendent of the Cheyenne River Indian School to allot each child born subsequent to the completion of the allotments herein authorized and sixty days prior to the date set by the proclamation for the entry of said surplus lands: *Provided further,*

The amendment was agreed to.

The next amendment was, in section 5, page 7, line 7, after the word "equal," to strike out "annual;" in the same line, after the word "installments," to strike out "to be paid in one, two, three, four, and five years" and to insert "the first within two years and the remainder annually in three, four, five, and six years," so as to read:

Sec. 5. That the price of said lands shall be paid in accordance with the rules and regulations to be prescribed by the Secretary of the Interior, upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal installments, the first within two years and the remainder annually in three, four, five, and six years, respectively, from and after the date of entry.

The amendment was agreed to.

The next amendment was, on page 9, after line 23, to insert the following new section:

Sec. 8. That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the State, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The amendment was agreed to.

The next amendment was, in section 9, page 10, line 7, before the word "thousand," to strike out "fifty" and insert "sixty," so as to read:

Sec. 9. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$160,000, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota as provided in section 7 of this act.

The amendment was agreed to.

Mr. GAMBLE. I submit the following amendment. At the end of section 7, after the word "occurs," on page 9, line 23, I move to insert:

Except in any township where there may not be two sections of unallotted lands, in which event whatever is required to make two sections may be selected in any adjoining township.

The amendment was agreed to.

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

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

REPORTS OF CIRCUIT COURTS OF APPEALS, ETC.

The bill (S. 179) to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes, was announced as next in order.

Mr. KEAN. This seems to be a pretty extensive bill. I do not know very much about it.

Mr. SCOTT. The Senator from Idaho [Mr. BORAH], who reported it, is not in his seat.

Mr. KEAN. The Senator from Idaho is present.

Mr. BORAH. Has some one asked a question?

Mr. KEAN. I merely ask what change the bill makes in the existing law?

Mr. BORAH. It is not a change in existing law. It is really an addition. The law at present provides for the distribution of the Supreme Court reports, but does not provide for the distribution of what is known as the Federal Reporter system.

Mr. KEAN. That is a private publication, is it not?

Mr. BORAH. It is a private publication.

Mr. KEAN. Does the Senator think that the Government of the United States ought to provide by law for the distribution of a private publication?

Mr. BORAH. As I take it, Mr. President, it is wholly immaterial whether it is a private publication or a public publication. The question is to get the reports into the hands of the officers who need the reports. It is the only method by which to get them into the hands of the officers who desire them.

I will say to the Senator from New Jersey that this is a matter which has once or twice before passed the Senate, and it has a favorable report supporting it from the Senator from Minnesota [Mr. NELSON]; and also our present Secretary of State, Mr. Knox, when he was a member of the Judiciary Committee, filed a report, under date of February 8, 1909, covering the subject very fully. The matter was pretty thoroughly considered by the Judiciary Committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. NEWLANDS. I will state that I have an amendment to offer to the bill, which I understand is favored by the Senator who has the bill in charge.

The PRESIDING OFFICER. Is there objection to present consideration? The Chair hears none.

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

The PRESIDING OFFICER. The amendment of the Committee on the Judiciary will be stated.

The SECRETARY. On page 2, line 20, before the word "sets," to strike out "four hundred" and insert "two hundred and fifty," so as to make section 1 read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to procure complete sets of the Federal Reporter and digests thereof and the current volumes of the same as issued, containing reports of the decisions of the circuit courts of appeals and of the circuit and district courts of the United States, and distribute the same among the officers of the United States in accordance with the laws governing the distribution of the reports of the Supreme Court of the United States, so that 1 complete set, with the continuations, shall be placed with each officer and in each office or room or court room entitled by law to receive the said reports of the Supreme Court, except as may be otherwise provided by this act. And the Secretary of the Interior shall distribute to the reporter of the Supreme Court of the United States, 1 set to the Secretary of the Senate, for the use of the Senate, not more than 10 sets, and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than 12 sets, and 1 set to every court of the United States provided by law; and in case any sets shall remain undisposed of after making the foregoing distribution the Secretary of the Interior is hereby authorized to distribute the same, and the current volumes thereof as issued, to such executive officers of the United States as may be designated by the Attorney-General: *Provided,* That under the authority of this act only such number of sets and parts of sets shall be purchased as will provide not to exceed 250 sets in all.

The amendment was agreed to.

Mr. NEWLANDS. I have just sent for an amendment which I propose to the bill, which I had printed. It is not on the desk.

Mr. BORAH. While we are waiting for that, I ask to have printed in the RECORD in connection with the bill the report of Mr. Knox as a member of the Judiciary Committee on the bill.

The PRESIDING OFFICER. Without objection, that order will be made.

The report referred to is as follows:

DISTRIBUTION OF REPORTS OF UNITED STATES CIRCUIT COURTS OF APPEALS, ETC.

(To accompany S. 7808.)

The Committee on the Judiciary, to whom was referred the bill (S. 7808) to provide for the distribution of the reports of the United States circuit courts of appeals and the United States circuit and district courts, have considered and report a substitute for same.

No general provision has ever been made to purchase the Federal Reporter for the use of the courts and government officials. The matter was first called to the attention of Congress in 1902, when bills were introduced, accompanied by letters from about 70 circuit and district judges, urging the daily need of these books in the courts and the inconvenience which is caused by want of them.

The purchase of the Federal Reporter was recommended to the Fifty-seventh Congress by the Attorney-General, in his annual report for 1903 (p. 35), in the following terms:

"I concur in the librarian's suggestion that the Federal Reporter should be distributed in practically the same manner as the United States reports. These officers have perhaps as frequent use for the Federal Reporter as for the United States reports. There can be no doubt that the intelligent, harmonious, and expeditious conduct of the business of these courts requires that these officers be supplied with the reports of their own courts.

"I trust that something may be done in this direction during the present session of Congress."

Again, in a letter to the chairman of the Committee on the Judiciary of the Senate, the Attorney-General recommended the passage of an amendment to the sundry civil appropriation bill providing for the purchase of these books. (This letter is reprinted in the appendix.) A favorable report was made at that time by Senator NELSON. (S. Rept.

No. 2079, 57th Cong., 2d sess.) The bill was again favorably reported to the Senate by the Committee on the Judiciary in the second session of the Fifty-eighth Congress.

The bill was passed by the Senate January 17, 1905. At the last session the Attorney-General wrote to this committee that—

"The department deems it desirable that the Federal Reporter should be furnished to the United States courts and officials, as provided by the terms of the bill." (See letter in appendix.)

The Federal Reporter is a private enterprise begun in 1880, and has been and is now a systematic publication and a complete collection of the decisions of the circuit and district courts of the United States since that date. When the circuit courts of appeals were established, in 1891, their decisions were included, and are all found reported in full in the Federal Reporter, which is the only complete collection of said decisions. The reporting has been done under the supervision of the judges, the report of each case being submitted in proof to the judge who wrote the opinion. While, therefore, the Federal Reporter has no "official" status in the sense of legislative authorization or subsidy, it is, in effect, the actual organ of the courts, has been so designated by order of the courts in some circuits, and is generally so recognized. In the period of time from March, 1880, to January, 1908, 155 volumes of the Federal Reporter have been published, containing reports of some 39,500 decisions, a very large proportion of which are accessible in no other way.

It is obvious that the courts require ready access to reports of their own decisions, and it seems to the committee entirely proper and expedient that these reports should be supplied for the use of the courts in practically the same manner as the United States Reports if the books can be purchased at a reasonable price.

The regular subscription price of the Federal Reporter is \$3.50 a volume, including the expense of delivery and the weekly "advance sheets." Allowing 50 cents of this price for the expense of the advance sheets and 35 cents for the delivery of the bound volume, this is equivalent to a charge of \$2.65 net per volume. The books are offered by the publishers to the Government for \$2 a volume delivered, without the advance sheets (which the committee thinks unnecessary), a reduction of 33 1/3 per cent from the regular subscription price. The committee has had investigations and comparisons made with the cost of other reports in this connection, and while in many of the States the local supreme court reports are now furnished at a low price per volume, they do not include the expense of delivery, and each volume of the Federal Reporter is said to contain from two to three times as much matter as is found in one volume of the state reports, although many of the latter receive assistance in one way or another from the state treasuries.

The Federal Reporter has been published from the beginning without any expense to the Government, and we are reliably informed that the publishers have spent some \$80,000 for copies of the opinions. This publication makes about seven volumes a year, and the cost of 400 copies of these at \$2 each would be \$5,600. These seven volumes will contain full reports of about 2,000 cases collected from 90 courts.

Excellent digests of the Federal Reporter have been published, one in four volumes, covering volumes from 1 to 100 of the Reporter, with three additional volumes covering volumes 101 to 160. The digests are absolutely necessary for the use of the reports, and should be purchased with the reports. The retail price of these digests is \$47.50 a set; the price to the Government, \$35 a set. Four hundred sets of the digest would cost, at \$5 a volume, \$14,000. This amount would undoubtedly be somewhat reduced by digests already purchased, as above stated.

The substitute for S. 7808, as proposed by this committee, reads as follows:

A bill to provide for the distribution of the reports of the United States circuit courts of appeals and the United States circuit and district courts to certain officers of the United States, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to procure complete sets of the Federal Reporter and digests thereof, and the current volumes of the same as issued, containing reports of the decisions of the circuit courts of appeals and of the circuit and district courts of the United States, and distribute the same among the officers of the United States in accordance with the laws governing the distribution of the reports of the Supreme Court of the United States, so that one complete set, with the continuations, shall be placed with each officer and in each office or room or court room now entitled by law to receive the said reports of the Supreme Court, except as may be otherwise provided by this act. And the Secretary of the Interior shall distribute to the reporter of the Supreme Court of the United States one set; to the Secretary of the Senate, for the use of the Senate, not more than 10 sets; and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than 12 sets; and 1 set to every court of the United States provided by law; and in case any sets shall remain undistributed after making the foregoing distribution the Secretary of the Interior is hereby authorized to distribute the same, and the current volumes thereof as issued, to such executive officers of the United States as may be designated by the Attorney-General: *Provided*, That under the authority of this act only such number of sets and parts of sets shall be purchased as will provide not to exceed 400 sets in all.

Sec. 2. That whenever any of such officers, office, or court room shall have a partial set of the Federal Reporter or digest already purchased or owned by the United States, in such case the Secretary of the Interior be, and he is hereby, authorized to procure and distribute to such officers, office, or court room sufficient volumes to make a complete set for such officer, office, or court room.

Sec. 3. That the volumes of the Supreme Court Reports and of the Federal Reporter distributed under the provisions of this and prior acts shall be and remain the property of the United States, and before distribution shall be plainly marked on their covers "The property of the United States," and shall be transmitted by the officers receiving the same to their successors in office.

Sec. 4. That such sum of money as is required to pay for the Federal Reporter and for the digest thereof, the purchase and distribution of which are provided for in this act, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That not to exceed \$2 per volume shall be paid for the back volumes of such reports and for the current volumes of the Federal Reporter, and \$5 per volume for the digest, the said money to be disbursed under the direction of the Secretary of the Interior; and the Secretary of the Interior shall include in his annual estimates submitted to Congress an estimate for the current volumes of reports, the distribution of which is provided for in this act.

APPENDIX.

EXTRACTS FROM LETTERS OF UNITED STATES JUDGES REGARDING THE NEED OF FEDERAL REPORTS IN THE COURTS.

[From Hon. George Gray, United States circuit judge, Wilmington, Del.]

No series of reports, during my professional life, has been so fully and excellently kept up as the Federal Reporter, and, supplemented by the Federal Cases, it has made, with the Supreme Court Reports, a more complete body of federal-case law than I ever expected to see within the reach of the profession generally. It seems to me entirely proper that the Government should supply all its legal departments with this series of reports. No federal office to which it is considered proper to send the United States Supreme Court Reports is fully equipped without them.

Of all this you, of course, are as fully aware as I am, and I doubt not that you will agree with me that the Government should no longer look to receive gratuitously from the publishers these volumes.

[From Hon. Alfred C. Coxe, United States circuit judge, Utica, N. Y.]

I take pleasure in certifying to the general excellence of the Federal Reporter. It is impossible to transact business in the United States courts without constant reference thereto. The Federal Reporter publishes every case of importance in the circuit or district courts of the United States, and this vast mass of legal literature, dealing with almost every question which can arise in courts of equity, admiralty, bankruptcy, or common law, is digested and presented to the profession with a celerity and accuracy which has always excited my admiration. It is, in my opinion, indispensable to the federal judiciary.

[From Hon. G. M. Carpenter, United States district judge, Providence, R. I.]

It seems to me very desirable that there should be a provision made by Congress to supply the Federal Reporter for official use in places where the federal courts are held.

Your service is very prompt, your reports are made up without "padding," and hence avoid, so far as may be, the evil of the great bulk in our reports. I have thought that the whole business of reporting the courts inferior to the Supreme Court should be left in your hands, where it finally became concentrated; and in that case your books might well be supplied for official use in the same way in which the Supreme Court Reports are supplied.

[From Hon. Edward F. Green, United States circuit judge, Trenton, N. J.]

I do most heartily indorse the suggestion that the Federal Reporter should be furnished to the federal courts. It is not only a most valuable, but as well a necessary, aid in the litigations in those courts, and in the presentation of their arguments counsel constantly refer to the cases therein reported. Were its volumes within reach of the judge and counsel at the time of the argument they would materially assist both and lessen very greatly the delay now rendered necessary by the necessity of consulting reports not within immediate reach.

[From Hon. Walter H. Sanborn, circuit judge, eighth circuit, St. Paul, Minn.]

I am glad to learn that Congress will be asked to supply the national courts with the Federal Reporter. With the single exception of the reports of the Supreme Court, no set of reports is so convenient and useful to the judges of the federal courts and the attorneys who practice before them as that furnished by the Federal Reporter. The Federal Reporter contains the earliest publication of the decisions of the circuit courts of appeals and the only publication of the decisions of the circuit and district courts. The proof sheets of the opinions published in it are carefully read and approved by the judges who write them before they are published, so that the Reporter is in effect an official publication of the decisions it contains. It is in truth indispensable to every federal judge and to every district attorney in the United States, and all officials of the National Government who need the reports of the Supreme Court need also the Federal Reporter. I hope Congress will take speedy action to furnish us with the reports of the decisions of the national courts furnished by the Federal Reporter.

[From Hon. O. F. Shiras, district judge, Dubuque, Iowa.]

It hardly seems necessary to say a word respecting the value and usefulness of the Federal Reporter. By means of it the bench and bar are furnished with all the decisions rendered in the circuit and district courts of the United States, and the use made of it can be fairly gathered by inspecting the citations contained in the opinions given by all federal judges. It has become an absolutely essential part of the library of anyone connected with the federal courts, either as a member of the bench or one of the bar, and the reasons that justify the furnishing the Supreme Court Reports for the use of the judges apply with equal force to the Reporter. In my district I am required to hold court in four divisions, to wit, at Dubuque, Cedar Rapids, Fort Dodge, and Sioux City, and I am compelled to procure four sets of the Reporter, if I am to keep at each place the books that I should have at my command. * * * It is not asking too much to have the Federal Reporter added to the list of books that are furnished by the United States as part of the library necessary to enable the courts to properly perform their duty.

[From Hon. E. Henry La Combe, circuit judge, second circuit, New York, N. Y.]

Your note of March 20 is just received, asking an expression of opinion as to whether the Federal Reporter should or should not be furnished by the Government to the federal judges. Surely there can be no difference of opinion on the question. The decisions of the district and circuit courts and of the circuit courts of appeals are absolutely essential to every federal judge, and there is no more reason why he should be required to pay for them out of his own pocket than that he should be expected to buy the Supreme Court Reports of the United States Statutes at Large.

[From Hon. James W. Locke, United States district judge, Key West, Fla.]

It gives me pleasure to testify to the value the use of the Federal Reporter has been to me since the commencement of their publication. It is a matter of importance to all connected with the national courts that the judges be furnished with early information of the decisions of the courts of other districts in order that a uniformity of ruling and principles be established. This the Federal Reporter has done, and I am glad to hear that there is an effort being made to induce Congress to supply the valuable set to the courts. It is not alone to aid the judges, but it is in the interest of economy and a more speedy termination of all classes of litigation.

I cordially indorse the effort and trust that Congress may appreciate its importance, which I feel to be great.

[From Hon. Harry T. Toulmin, United States district judge, Mobile, Ala.]

The Federal Reporter reports in full all decisions of the circuit and district courts, and also of the several circuit courts of appeals. They are cited as authority to the circuit and district courts oftener, and the judges of these courts are called on to examine and consider them greatly more than any other authorities now brought to their attention, and hence they are in constant use by the judges and in the courts. At a majority of the places where these courts are held the judges are put to great inconvenience in getting access to these decisions. A messenger is often kept busy going to the offices of the different local attorneys to borrow these books for the use of the judges, and he is not always successful. This is notably so where the judges are holding court away from their places of residence, where many of them—most of them, perhaps—have the Federal Reporter in their private libraries. I have had considerable experience in holding court away from my own home, and have sometimes experienced great inconvenience and trouble in getting these decisions for consultation and when they were needed by the court. I may mention as an illustration of this statement places in our own State (Birmingham and Huntsville), and my experience extends to Florida, Mississippi, and Texas as well. Here at home I keep my Federal Reporters in my library at my residence as more convenient for me in my night work.

There ought to be a set of these Reporters in the court or some adjoining room for the use of the judges, the district attorney, and lawyers having business in the courts, particularly the nonresident lawyers, who come from different parts of the district to attend these courts.

The Reporters referred to are as essential now as the United States Supreme Court Reports. The decisions of the circuit courts of appeals particularly are as important to us under our present system as those of the United States Supreme Court, and I submit should be furnished by the Government in the same way.

[From Hon. William J. Wallace, United States circuit judge, Albany, N. Y.]

It would be a great convenience to the judges and also to the bar, and in my judgment would be to the public advantage to have the decisions of the circuit and district courts of the United States as collected in the volumes of the Federal Reporter accessible at every court-house where terms of the federal courts are held. Any legislation by Congress looking to this result would meet my cordial approval.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 19, 1908.

SIR: Replying to your letter of the 15th instant, referring for my consideration and suggestions thereon two proposed amendments to the sundry civil appropriation bill providing for the purchase and distribution of the Federal Reporter and digest to the United States courts and officers, I take pleasure in stating that this department is in entire accord with the purposes of these amendments and deems it a matter of highest importance that United States judges and attorneys and that each federal court should be supplied with these books.

Every reported decision of the federal courts (the United States Court of Claims excepted) may be found in three series of books—the United States Supreme Court Reports, the Federal Reporter, and the Federal Cases. No comment is necessary with regard to the United States Reports. Prior to 1880 the decisions of the circuit and district courts of the United States were published by private enterprise, at irregular intervals, many of the decisions not being printed at all. The Federal Reporter is a series of reports which began in 1880, and purports to contain every decision of the circuit and district courts of the United States, including the United States circuit courts of appeals, from that date to the present time.

This is the only series of books wherein these decisions are all reported, and it is therefore indispensable in the interest of an expeditious, uniform, and correct administration of justice by these courts that they be supplied with copies of their own decisions. This department has received a number of communications from federal judges complaining of the embarrassment and difficulty under which they labored in the discharge of their duties for want of the Federal Reporter.

There can be no question that every United States judge, attorney, and federal court, with the possible exception of some of the territorial courts, should be supplied with this series of books. If, however, preference is to be given to either series, the Federal Reporter should be supplied first.

Very respectfully,

P. C. KNOX,
Attorney-General.

Hon. GEORGE F. HOAR,
Chairman Committee on the Judiciary,
United States Senate.

DEPARTMENT OF JUSTICE,
Washington, D. C., February 10, 1908.

MY DEAR SIR: I am duly in receipt of your letter of the 8th instant, inclosing a copy of H. R. 16653, "A bill to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes," and in accordance with your suggestion I beg to say that the department deems it desirable that the Federal Reporter should be furnished to the United States courts and officials, as provided by the terms of the bill. The department has no doubt that, if the Congress deems it advisable to undertake the expense involved, the work of the legal officers of the Government will be materially facilitated thereby. The amount per volume stated in the bill is in accordance with the statements contained in a letter from the vice-president of the company which publishes these books.

Yours, very truly,

CHARLES J. BONAPARTE,
Attorney-General.

Hon. JOHN J. JENKINS, M. C.,
Chairman Committee on the Judiciary,
House of Representatives.

The PRESIDING OFFICER. For the present the further consideration of the bill will be waived until the Senator from Nevada gets his amendment. The next bill on the calendar will be proceeded with.

OMNIBUS CLAIMS BILL.

The bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over on the objection of the Senator from Kansas.

LAND AT HOT SPRINGS, ARK.

The bill (H. R. 22231) granting to the city of Hot Springs, Ark., land for street purposes was considered as in Committee of the Whole.

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

REPORTS OF CIRCUIT COURTS OF APPEALS, ETC.

Mr. BORAH. I ask that the consideration of Senate bill 179 be resumed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 179) to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes.

Mr. NEWLANDS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be read. The SECRETARY. It is proposed to add a new section at the end of the bill, as follows:

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to purchase from the reporter of the court of appeals of the District of Columbia a sufficient number of the complete sets of the reports of said court and of the current volumes thereof as may be issued from time to time, to enable him to distribute the same as hereinbefore provided for in case of the Federal Reporter and Federal Cases. And that such sum of money as is required to pay for the volumes of said reports is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That not to exceed \$5 per volume shall be paid for the same, the said books to be distributed under the direction of the Secretary of the Interior.

Mr. OVERMAN. The Senator from Idaho does not agree that that amendment should be made?

Mr. KEAN. It sounds very much like some promotion enterprise. I hope it will not be agreed to.

Mr. NEWLANDS. The amendment simply covers the reports of the court of appeals of the District of Columbia. There is the same reason why those reports should be in the libraries of the various circuit judges of the United States as there is that the reports of any State should be in their hands. This amendment was incorporated in the bill as it passed either the Senate or the House, I forget which—the Senator from Idaho perhaps can inform me—when this matter was last up. I see no reason why it should not be inserted. I presented the matter to the Senator from Idaho and he informed me that there would be no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SUTHERLAND. I hope that the amendment will not be agreed to. It seems to me that the reports of the courts of the District of Columbia are of no general use to the various district and circuit judges of the United States. Certainly they would not be as useful as many of the reports of the States. It seems to me it would be an utterly useless expense.

Mr. NEWLANDS. Mr. President, it seems to me that the circuit courts of appeal ought to be put upon an equality so far as their decisions are concerned, and if the decisions of one circuit court of appeals are of value to the United States judges, I can not understand why the decisions of the court of appeals of the District of Columbia should not be equally valuable. That court certainly has the consideration of very important cases, many cases which arise under laws that are passed by Congress submitting matters for their jurisdiction. We have now a proposal on the part of the Interior Department that certain questions relating to the decisions of land controversies shall be appealed to the court of appeals of the District of Columbia.

I can see no reason for a distinction between the courts. If we are to distinguish, why should we not have a roll of honor of the different circuit courts of appeal in the country and indicate that the reports of certain courts are of more value than those of others, and that, therefore, the libraries of the circuit courts of appeal should be confined to the decisions of such favored courts? I can not understand why there should be any distinction whatever.

We have here in this District 300,000 people, and are likely to have a population of a million; a population largely in excess of that of many States and likely to rival that of a great many others. It seems to me that the decisions of this court ought to be put upon an equality with those of the other courts.

Mr. HEYBURN. Mr. President, through some accidental circumstance the court of appeals in the District of Columbia was given a title similar to certain courts sitting in the judicial districts and circuits of the United States. There is no similarity between the jurisdiction or the scope of the jurisdiction of the court of appeals in the District of Columbia and that exercised by the circuit courts of appeal in the several circuits. The questions arising in the several circuits are of general application and general interest. The character of cases arising in the District of Columbia is of no interest outside of the District of Columbia. The court of appeals, as it happens to be termed here, is not a court of corresponding jurisdiction with that of the circuit courts of appeal in the several circuits, and its decisions do not relate to the same class of cases. The scope of the decisions is not similar at all to that of the circuit courts of appeal whose decisions will be found in the Federal Reporter. The Federal Reporter also contains the decisions of the circuit judges in cases that are not appealed, which are final and are of very great importance. There is, as I have said, no corresponding class of cases here before the court of appeals of the District of Columbia. I think it would be a waste of money to print these reports, as they are a class of reports that would be of no use whatever to judges.

The United States should publish and pay for and furnish free the decisions of its courts to its judges in order that every judge may have the benefit of the wisdom of the other judges. It would tend to uniformity of decisions between the various courts and to uniformity in the rule of action. It must be obvious to anyone that every United States judge should have access, without cost to himself, to the decisions of other United States judges in courts of similar jurisdiction.

While I am thoroughly in accord with the provisions of the pending bill, because it is the best that we can do under all the circumstances, I would cheerfully support a measure that would provide for publishing at the expense of the Government the decisions of its own courts. It always did seem to me like a piece of neglect or oversight that the Government should allow the decisions upon which the law of the land rests to remain in the custody and subject to private enterprise, giving the courts no access to the judgment of other courts of similar jurisdiction.

Mr. NEWLANDS. I hope the Senator from Idaho will not oppose this amendment. I think he underrates the importance of the District court of appeals and of its decisions. My attention has been frequently called to cases of very large importance that have been pending in that court. I recall the recent decision regarding the boycott that attracted the attention of the entire country; and the cases which will be brought here of national scope and importance will increase. It seems to me that if we are to furnish the courts of appeal with complete libraries containing the decisions of the United States courts, we ought to furnish the decisions of this court also.

I do not intend to take up the time of the Senate by an elaborate discussion of this matter, but it seems to me very clear. I now submit the question to a vote of the Senate.

Mr. OVERMAN. Mr. President, I hope the amendment will not be adopted. It will cost the Government a great deal of money, and will result in the sending of books all over this country that will never be taken down from the shelves; not a lawyer or a judge will ever consult them.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Nevada [Mr. NEWLANDS]. The amendment was rejected.

Mr. BAILEY. Mr. President, I am not going to detain the Senate nor object to the passage of this bill, except this far: I am convinced, and I have for a long time been convinced, that the Government of the United States ought to print the proceedings of its courts exactly as it prints the proceedings of its Congress, and that it ought to dispose of them in the same way. You never shall get my consent to give any man the right to copyright a proceeding of any department of this Government. That, however, is not exactly the issue here. I simply want to record that as a sort of a protest against the method of allowing these decisions to be reported and then to be copyrighted by individuals or corporations. I would just as soon allow some printing company to copyright the CONGRESSIONAL RECORD or the public documents from the executive departments. The bill was reported to the Senate as amended, and the amendment was concurred in.

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

PAY DEPARTMENT, UNITED STATES ARMY.

The bill (S. 1941) to increase the efficiency of the Pay Department, United States Army, was considered in Committee of the Whole.

Mr. WARREN. Mr. President, I submit an amendment to the bill, which is to strike out the whole of the bill and to insert a substitute therefor.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the President be, and he is hereby, authorized to appoint the army paymasters' clerks now in service to be paymasters' assistants in the army, and hereafter no person shall be appointed an army paymaster's clerk, but any vacancy occurring in the list of paymasters' assistants whose appointment is authorized by this act shall be filled by the appointment by the President of a citizen of the United States who shall be between 21 and 28 years of age at the date of his appointment and who shall have passed a satisfactory examination, under such regulations as may be established by the President, as to habits, moral character, mental and physical ability, education, and general fitness for the service: *Provided*, That paymasters' assistants appointed under this act shall have the pay and allowances of second lieutenants, except commutation of quarters, fuel, and light, and shall be on the same footing as commissioned officers of the army as to tenure of office, retirement, pensions, increase of pay, and subjection to the rules and articles of war: *Provided further*, That paymasters' clerks who are now in the service and who may be appointed paymasters' assistants under this act may, after becoming 64 years of age, upon the recommendation of the Paymaster-General of the Army and a medical board approved by the Secretary of War, be retained in active service until they shall have reached the age of 70 years: *Provided further*, That each paymaster's assistant shall furnish a bond for the faithful performance of his duties in such sum as may be fixed by the Secretary of War.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

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

CLAIMS OF SHAWNEE AND DELAWARE INDIANS.

The bill (S. 6454) to provide for the settlement of claims of the Shawnee and Delaware Indians was announced as next in order.

The PRESIDING OFFICER. The Secretary will read the bill for information, subject to objection.

The Secretary read the bill.

Mr. KEAN. That is a bill, as I understand, to provide for rendering judgment against the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, in section 4, page 3, line 2, after the word "case," to strike out "under any written contracts by them executed," so as to make the section read:

SEC. 4. That in rendering the judgments provided for in section 1 of this act against the United States in favor of the individual Indians the court shall ascertain and fix the just amount of attorney's fees in each case, and in its decree set apart the same out of the amount due to each individual Indian and cause a separate judgment warrant to issue to the claimant and to his attorney in full payment for his services in this behalf to such individual Indian, his heirs or legal representatives.

Mr. KEAN. Mr. President, I should like to ask the Senator from Oklahoma why those words "under any written contracts by them executed" are stricken out.

Mr. OWEN. The purpose of striking them out was to allow the court to be free from any suggestion of a written contract and to be limited to a quantum meruit.

Mr. KEAN. I think those words ought to stay in.

Mr. OWEN. The committee thought it was better to have them go out. It is not very important, however, one way or the other.

Mr. KEAN. I hope the amendment will not be agreed to.

Mr. BROWN. Mr. President, the reason, I understand—

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. KEAN. I think I shall have to object to the bill, Mr. President. I object.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

EQUALIZATION OF CREEK ALLOTMENTS.

The bill (S. 7364) providing for the equalization of Creek allotments was announced as next in order.

The Secretary read the bill.

Mr. KEAN. I understand that the amount involved in this bill is \$750,000, and that the attorney's fee is to be 10 per cent. I think the bill had better go over, Mr. President.

The PRESIDING OFFICER. The bill will go over, under objection.

INTERMENTS IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 7111) to amend sections 680 and 686 of the Code of Law for the District of Columbia. It proposes to amend section 680 of the Code of Law for the District of Columbia by striking out:

In no case shall the grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, tetanus, diphtheria, or scarlet fever.

It also proposes to repeal section 686 of the code as it now reads and to substitute the following therefor:

Sec. 686. Any body buried in the District of Columbia may be disinterred by the coroner of the District of Columbia, or upon his order, whenever said disinterment is, in his judgment, necessary to enable him to perform properly the duties of his office, and the supreme court of the District of Columbia, or a justice thereof, may order the disinterment of any such body whenever, in the opinion of said court or justice, the same is necessary in an inquiry as to the cause of death of a person or for the purpose of the trial of any cause in said court, and the health officer of the District of Columbia shall issue a permit for this purpose upon request of the coroner or justice, as the case may be.

Sec. 686a. The supreme court of the District of Columbia, or a justice thereof, may order the disinterment, removal, and reinterment in another place or the cremation of any body or bodies interred in the District of Columbia upon showing, by petition of the Commissioners of the District of Columbia and by such other additional evidence, if any, as may be required, in the discretion of said justice, that the burial ground or cemetery in which said bodies are interred has been abandoned as a burial ground or cemetery in whole or as to a part thereof, or that any of the provisions of sections 671, 672, 673, and 674 of this code have not been complied with for the period of one year next preceding the signing of said petition. The petition shall describe the land in which said body or bodies are interred and shall name as defendant or defendants the owner or owners thereof when and so far as known. Process shall issue, be served, and returned as in equity and under the provisions of section 110 of this code, and the other proceedings shall be as in equity. The court may pass a decree for the sale of said land, or so much thereof as in its opinion may be necessary, upon such terms and notice as it shall deem proper, and shall apply the proceeds of such sale to the payment of the expenses of the sale, the cost of the proceedings, the disinterment, removal, and reinterment or cremation of the bodies, including the cost of new burial sites if reinterred and of cremation if cremated, and shall direct the payment of the balance, if any, to the person or persons who may appear to be entitled thereto. Any decree passed in such proceeding for a sale of said land shall be valid to pass to the purchaser or purchasers of said land so sold the title of the same free, clear, and discharged of and from the claims of the corporation, trustees, or persons who may hold the same, their successors, heirs, or assigns, and of all persons in interest as lot owners in such land, whether they be residents or nonresidents, adults or infants.

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

REGISTRATION OF BIRTHS IN THE DISTRICT OF COLUMBIA.

The bill (S. 7247) to amend an act entitled "An act to provide for the better registration of births in the District of Columbia, and for other purposes," approved March 1, 1907, was considered as in Committee of the Whole. It provides:

That any physician or midwife who attends at the birth of any child within the District of Columbia, and any person whomsoever, who, in the absence of a physician or midwife, performs any of the offices usually rendered by such, shall execute, or cause to be executed, and shall file with the health officer of said District within twenty-four hours immediately following the date of such birth a proper report thereof, written in ink, on a blank furnished by the health officer, embodying all such data as may be necessary for the purposes of the Bureau of the Census of the Department of Commerce and Labor and such other data, if any, as the Commissioners of the District may deem needful. So far as relates to any data not based upon the personal observation of the physician, midwife, or other person by whom report is made, every such report shall show the name and address of the informant and the relationship of said informant to the child born; but if the child born be illegitimate, it shall in no case be necessary for any physician, midwife, or other person to indicate on any report required by this act any fact or facts whereby the identity of the father or of the mother or of the child born will be disclosed; and no report need be made of stillbirths when the fetus delivered has apparently not passed the fifth month of utero-gestation.

Upon receipt of any report aforesaid, said health officer shall forward to the father of the child, or, if his address be unknown, to the mother, an acknowledgment of the receipt of such report, and if the infant delivered be not stillborn, and such report does not contain the given name of the child born, a blank form on which the father or mother may certify over his or her signature the name of such child, which form, if thus executed and returned to the health officer within three months next following the date of birth, shall be a part of the official record of such birth.

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

REGULATION OF LIQUOR TRAFFIC IN THE TERRITORIES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6470) to amend an act approved February 6, 1909, entitled "An act relating to affairs in the Territories," which had been reported from the Committee on Territories with amendments.

The amendments were, on page 3, line 18, before the word "dollars," to strike out "five hundred" and insert "one thou-

sand;" in line 25, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred;" and on page 4, to strike out, beginning on line 1, down to and including the word "that," in line 4, and to insert the word "That," so as to read:

That the fee for a wholesale license shall be \$2,000 per annum; for a barroom license, \$1,000 per annum; and for a retail liquor store license, \$1,000 per annum: *Provided*, That the fee for a retail license for road houses on regular post-roads or trails where the population within 2 miles of the place where the business is to be conducted does not exceed 50 people, or for a steambot or steamer operating on the inland rivers of Alaska during the season of open navigation, shall be \$500 per annum: *Provided further*, That said steambot or steamer shall not be authorized to sell intoxicating liquor while in port or dock.

The amendments were agreed to.

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

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

HEIRS OF GEORGE SMITH, DECEASED.

The bill (H. R. 20554) authorizing the Secretary of the Interior to issue patent to Fred G. Smith and Lula Smith, minor heirs of George Smith, deceased, for the title in fee to the E. $\frac{1}{2}$ of the NW. $\frac{1}{4}$ and the E. $\frac{1}{2}$ of the SW. $\frac{1}{4}$ of sec. 7, T. 24 N., R. 13 W., sixth principal meridian, in the State of Nebraska, entered as a homestead by said deceased, was considered as in Committee of the Whole.

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

BILLS PASSED OVER.

The bill (H. R. 10584) providing for the adjustment of the claims of the State and Territories to lands within national forests was announced as next in order.

Mr. HEYBURN. I ask that the bill go over and go to Rule IX.

The VICE-PRESIDENT. Without objection, the bill will be transferred to the calendar under Rule IX.

The bill (S. 3828) for the relief of the registers and receivers of the United States land office in the State of Kansas, was announced as next in order.

Mr. OWEN. I object to the bill.

The VICE-PRESIDENT. The bill goes over on the objection of the Senator from Oklahoma.

The bill (S. 6544) to provide for the erection of a public building at Laurel, in the State of Mississippi, was announced as the next business in order on the calendar.

Mr. WARREN. This bill and the next three bills on the calendar are public building bills reported by Senators who are not present, and are, I think, included in another measure. I ask that they be passed without prejudice for the present.

The VICE-PRESIDENT. The bills (S. 4149) for the purchase of a site and the erection of a public building thereon at Rocky Mount, N. C.; (S. 4150) for the purchase of a site and the erection of a public building thereon at Shelby, N. C.; and (S. 7010) to provide for the erection of a public building in the city of Poplar Bluff, in the State of Missouri, will be passed over, as requested by the Senator from Wyoming.

BUNNIE M'INTOSH.

The bill (S. 6465) to validate certain titles to lands in the Creek Nation, Indian Territory, sold under order of the United States court by decree of said court, was considered as in Committee of the Whole. It proposes to validate all deeds made by Bunnie McIntosh, legal guardian of Mildred McIntosh, a minor, mixed-blood Creek Indian, under decree of the United States court of the western district of the Indian Territory, sitting at Wewoka, rendered on the 9th day of July, 1907, and sold on the 27th and 28th days of September, 1907.

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

REFUND OF CERTAIN TONNAGE TAXES.

The bill (S. 7892) to refund certain tonnage taxes and light dues was considered as in Committee of the Whole. It proposes to refund the following amounts assessed and collected under sections 4219 and 4225, Revised Statutes, to wit: Two thousand four hundred and thirteen dollars in the case of Dredge No. 9, Scows Nos. 1, 19, and 21, without enrollment, upon application of C. H. Starke Dredge and Dock Company; also the sum of \$674 in the case of Derrick Boats Nos. 7 and 11 and Drill Boat No. 3, without enrollment, on the application of the Great Lakes Dredge and Dock Company; also the sum of \$1,073 in the case of Scows Nos. 16 and 17 and Drill Scow No. 5, without enrollment, upon the application of the Buffalo Dredging Company;

also \$577 in the case of Dredge No. 3, without enrollment, upon the application of the Duluth Marine Contracting Company.

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

PUBLIC BUILDING, TULSA, OKLA.

The bill (S. 5503) to provide for the erection of a public building at Tulsa, Okla., was announced as the next business on the calendar.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. The bill goes over on the objection of the Senator from New Hampshire.

CONTRACTS WITH INDIAN TRIBES.

The bill (S. 8135) providing for the approval by Congress of contracts affecting the money and property of any tribe of Indians 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.

BILLS PASSED OVER.

The bill (S. 6034) to provide for the erection of a public building at Thomasville, Ga., was announced as the next business in order.

Mr. WARREN. Let it go over.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 8083) to provide for the handling of mail on which insufficient postage is prepaid, and for other purposes, was announced as the next business in order.

Mr. HEYBURN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over.

The bill (S. 8084) to provide mail receptacles at residences and places of business, and for other purposes, was announced as the next business in order.

Mr. BRISTOW. Let it go over.

The VICE-PRESIDENT. The bill will go over.

CLAIM OF THE STATE OF RHODE ISLAND.

The bill (S. 4517) for the relief of the State of Rhode Island was considered by the Senate as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the items of the claim of the State of Rhode Island, for reimbursement for expenditures made in aiding the United States to raise its voluntary army in the war with Spain, and which are comprehended and described in the acts of Congress approved July 8, 1898, and March 3, 1899, and which were disallowed by the accounting officers of the Treasury Department, be, and the same are hereby, referred to the Court of Claims for adjudication and report to the Congress. And the certificate of the governor of said State, or the adjutant-general thereof, that the expenditures named in said items were necessary, just, and reasonable, and were incurred in good faith for the purposes mentioned, shall be sufficient evidence to authorize said adjudication under the provisions of said acts.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill referring the claim of the State of Rhode Island to the Court of Claims for adjudication."

SCHOONER "WILSON AND HUNTING."

The bill (H. R. 4093) for the relief of the owners of the American schooner *Wilson and Hunting* and cargo was considered as in Committee of the Whole.

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

ILLUSTRATION FOR PATENTS.

The bill (S. 5632) to amend section 4889 of the Revised Statutes was considered as in Committee of the Whole. It proposes to amend the section so as to read:

SEC. 4889. When the nature of the invention admits of illustration by drawings, the applicant shall furnish one drawing signed by the inventor or his attorney in fact, and attested by two witnesses, and also two photographic copies of such drawings, which shall be filed in the Patent Office; and a copy of the drawing, to be furnished by the Patent Office, shall be attached to the patent as a part of the specification.

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

PILOT BOAT "LADY MINE."

The bill (H. R. 20277) for the relief of pilot boat *Lady Mine* was considered as in Committee of the Whole. It proposes to pay to Alexander Swanson, managing owner of the pilot boat *Lady Mine*, \$492.79 for repairs to her as a result of being dam-

aged by the quarantine steamer *Argonaut* in San Francisco Bay in September, 1907.

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

MONUMENT TO ADMIRAL WILKES.

The bill (S. 6876) to authorize the Secretary of the Navy to erect a suitable monument over the remains of Rear-Admiral Charles Wilkes, U. S. Navy, in the national cemetery at Arlington, Va., was considered by the Senate as in Committee of the Whole. It proposes to appropriate \$1,500 for the purpose named.

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

PROTECTION OF SEAMEN.

The bill (S. 7919) to amend section 4514 of the Revised Statutes was announced as the next business on the calendar.

Mr. HEYBURN. I think the committee overlooked there a discrimination as to the age of the stowaway. No exception is made for stowaways of irresponsible age. I do not know whether the committee considered that question or not, but the fact seems to be generally conceded that the majority of stowaways are irresponsible boys. To subject them to fine and imprisonment would be rather harsh treatment. It is doubtless all right to apply a strict law of this kind to people of responsible years.

Mr. SIMMONS. This bill was considered with thoroughness, I think, by the Committee on Commerce, and it is indorsed by the department. They state that the evil is very great, and that it is necessary there should be legislation of this character. Of course, I understand that it might sometimes catch an irresponsible boy, as the Senator suggests, but on that account it would hardly seem right to lay the foundation for permitting others who are of responsible age and discretion to escape punishment for this offense.

Mr. HEYBURN. It seems to me it would not have been difficult for the committee to have discriminated, and to have established an age limit. I am quite sure that this is too drastic in its terms, as it would be applied to that class of people who are often stowaways, and I will ask that it go over. It is too harsh a measure.

The VICE-PRESIDENT. The bill will go over.

AMERICAN ACADEMY IN ROME.

The bill (S. 7438) to permit the American Academy in Rome to change its name to the Academy of America in Rome, and to permit it to hold real estate and personal property, was considered by the Senate 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.

MEMORIAL ARCH IN VALLEY FORGE PARK.

The bill (H. R. 55) providing for the erection of two memorial arches at Valley Forge, Pa., was considered by the Senate as in Committee of the Whole.

The bill had been reported from the Committee on the Library with amendments, on page 1, line 3, to strike out "fifty" and insert "one hundred;" in line 9 to strike out "two" and insert "a;" in line 9 to strike out "arches at the principal entrances to" and insert "arch within the;" in line 11 to strike out "to be called Washington memorial arch and Steuben memorial arch, respectively;" on page 2, line 6, before the word "shall," to strike out "such arches" and insert "the said arch;" and in line 8, before "erected," to strike out "such arches are" and insert "the said arch," so as to make the bill read:

That the expenditure of the sum of \$100,000, or so much thereof as may be necessary, be, and the same is hereby, authorized, for the erection upon the site of the encampment during the winter of 1777 to 1778 of the American Army at Valley Forge, Pa., of a memorial arch within the Valley Forge Park, in commemoration of the patriotism displayed and the suffering endured by Gen. George Washington, his officers, and men during said winter: *Provided*, That the money authorized to be expended as aforesaid shall be expended by the Valley Forge Park Commission under the direction of the Secretary of War, and that the location, plans, specifications, and designs for the said arch shall be approved by the Secretary of War: *Provided further*, That when the said arch is erected the responsibility for the care and keeping of the same shall be with the said Valley Forge Park Commission or as may otherwise be provided by the State of Pennsylvania and without expense to the United States.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill providing for the erection of a memorial arch at Valley Forge, Pa."

PHARMACY IN UNITED STATES CONSULAR DISTRICTS IN CHINA.

The bill (S. 8208) to regulate the practice of pharmacy and the sale of poisons in the consular districts of the United States in China was announced as the next business in order, and the Secretary proceeded to read it.

CONSERVATION OF NAVIGABLE RIVERS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 4501.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4501) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, which had been reported from the Committee on Forest Reservations and the Protection of Game with amendments.

Mr. BRANDEGEE. I ask that the bill may be read.

The Secretary proceeded to read the bill.

Mr. BURTON. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Bacon	Clark, Wyo.	Gamble	Piles
Bailey	Clay	Gore	Purcell
Bankhead	Crane	Guggenheim	Shively
Borah	Cullom	Heyburn	Simmons
Bourne	Cummins	Hughes	Smoot
Bradley	Curtis	Johnston	Stephenson
Brandegee	Depew	Jones	Stone
Briggs	Dick	Kean	Sutherland
Bulkeley	Dixon	Lodge	Taylor
Burkett	du Pont	McEnery	Warner
Burnham	Elkins	Newlands	Warren
Burrows	Fletcher	Oliver	Wetmore
Burton	Flint	Overman	
Chamberlain	Frazier	Owen	
Clapp	Gallinger	Page	

The VICE-PRESIDENT. Fifty-seven Senators have answered to the roll call. A quorum of the Senate is present.

The Secretary resumed and concluded the reading of the bill.

The VICE-PRESIDENT. The Secretary will state the amendments reported by the committee.

Mr. GORE. Mr. President, if in order, I move to lay aside temporarily the pending bill that the Senate may proceed to the consideration of the calendar.

Mr. GALLINGER. I object to that, of course.

Mr. BRANDEGEE. I object.

The VICE-PRESIDENT. Objection is made.

Mr. GORE. Is the objection on the ground that it is out of order?

Mr. BRANDEGEE. I object on the ground that the Senator's request would require unanimous consent.

Mr. GORE. That is what I am driving at.

The VICE-PRESIDENT. It requires unanimous consent and objection is made. The amendments of the committee will be stated.

The first amendment was, in section 4, on page 3, line 13, after the words "nineteen hundred and," to strike out "ten" and insert "eleven," and in line 21, after the words "nineteen hundred and," to strike out "fifteen" and insert "sixteen," so as to make the section read:

SEC. 4. That there is hereby appropriated, for the fiscal year ending June 30, 1911, the sum of \$1,000,000, and for each fiscal year thereafter a sum not to exceed \$2,000,000 for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1916.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 3, after the word "upon," to insert "the question of purchasing;" and in line 7, after the word "section," to strike out "six" and insert "seven," so as to read:

That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon the question of purchasing such lands as may be recommended for purchase as provided in section 7 of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission.

The amendment was agreed to.

The VICE-PRESIDENT. Are there further amendments as in Committee of the Whole? If not, the bill will be reported to the Senate.

Mr. BURTON. I understood that the Senator from Connecticut desired to explain the bill.

Mr. BRANDEGEE. That is correct, Mr. President.

Mr. President, this is no new project before the Senate. In the Fifty-ninth Congress I submitted from the Committee on Forest Preservation and the Protection of Game a report in favor of a similar bill, which I will ask to have inserted in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Without objection, that will be done.

The report referred to is as follows:

APPALACHIAN FOREST RESERVE, ETC.

The Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 34) for the purchase of a national forest reserve in the White Mountains, to be known as the National White Mountain Forest Reserve, and the bill (S. 408) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the National Appalachian Forest Reserve, have given the same careful consideration and beg leave to submit the following report:

After a thorough discussion of the general subject it was deemed advisable to report an original bill in lieu of the two bills referred to the committee. This bill is substantially the legislation recommended by the American Forestry Association and the National Board of Trade, and it has received the indorsement of other organizations. It authorizes and directs the Secretary of Agriculture to purchase or otherwise acquire lands suited to national forest-reserve purposes in the Appalachian Mountains within the States of Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee, and in the White Mountains within the State of New Hampshire, and to administer the said reserves under the laws governing national forest reserves.

There are suitable provisions in the bill for the purchase of lands, exclusive of the timber or mineral rights, for the acceptance of gifts of land, and for the reforesting of clearings wherever necessary for the protection of the soil or water supply.

To carry into effect the provisions of the bill it is proposed to appropriate an amount not to exceed \$3,000,000, which sum is to be available immediately and until expended.

The following argument, which shows the urgent need of the legislation proposed, was prepared by the Forest Service of the Department of Agriculture, and is submitted herewith as embodying the views of the committee:

"First. The creation of these reserves is wise public policy. Between the census years 1850 and 1900 the population of the country increased from 23,000,000 to 76,000,000, or 330 per cent, but the money value of the lumber product which it consumed increased from \$60,000,000 to \$568,000,000, or 940 per cent. Both the per capita consumption of timber and the price of timber are increasing. Both of the proposed reserve regions are chiefly natural forest land, more useful for the production of timber and water than for anything else. At present their forests are being rapidly destroyed. It is estimated that 24 per cent of the Southern Appalachian region has been deforested. Deforestation means loss of power to produce future forests. It is in the public interest that these lands should be acquired and held by the Government as permanent sources of timber supply.

"Second. The acquisition of these lands by the Government will be good business policy. The use of the western reserves as productive forest is only just beginning, but the government receipts from these reserves are approximating one-half the outgo. Within a short term of years they will undoubtedly carry themselves. At the same time their property value is rising and will continue to rise, both from the increasing value of the timber and from the greater productiveness of the forest under management. With a present value of not less than \$250,000,000, these western reserves are being administered at an annual cost of one-third of 1 per cent of this sum, while they are increasing in value fully 10 per cent a year. This is in addition to their enormous indirect returns to the public welfare from their indispensable relation to successful irrigation, to mining and other industries which demand lumber, to settlers, and to stock grazing. Both in the Appalachians and in the White Mountains, if the lands are acquired at present prices and in their present condition, there is an opportunity for the Government to establish reserves which will prove profitable investments under management, besides securing large benefits to the people of many States.

"Third. The creation of these reserves, now or later, is a necessary policy. Sooner or later the certain consequences of the forest destruction which is now taking place will force the National Government to step in. The question is not merely that of preventing the impoverishment of the immediate localities and the conversion of productive land into a waste of barren rock. The loss of the forest is followed by that of the soil and by recurring floods. The headwaters of every important river south of the Ohio and Potomac and east of the Mississippi, including tributaries of these streams, rise in the southern Appalachians, while the White Mountains feed important rivers of every New England State except Rhode Island. The rainfall of both regions is heavy and distributed throughout the year. In the southern Appalachians it is heavier than anywhere else on the continent, except on the northern Pacific coast, and falls often in heavy downpours.

"After denudation every rain turns the shrunken streams into mountain torrents, which devastate property and bear down vast quantities of silt to obstruct navigable rivers. The sand bars thus formed accentuate the effect of alternating high and low water periods, and large government expenditures for dredging and harbor improvements are entailed. The clearing of river channels and harbors in North Carolina, South Carolina, Georgia, and Alabama is now being urged. Yet deforestation is only in its first stage. Eventually in this country, as has been the case in France, the stripped mountains will become so inimical to the public good that the Government will have to take charge of them and reforest them. But the expense of this, when once the forests are gone, will be only less ruinous than the damage which it will check, and the remedy will require many years to become operative.

"France began a work of reforesting denuded mountains in 1860, to repair so far as possible the damage which had followed the clearing of the forests under private ownership. By 1900 she had spent over \$15,000,000 and acquired over 400,000 acres of land in this work, while annual expenditures were still going on at the rate of over \$600,000 a year, and it was estimated that in completing the work the further

purchase of over 425,000 acres of land and the additional expenditure of over \$20,000,000 would be required. Owing chiefly to the necessity of acquiring for protective purposes deforested land, almost one-fourth of the state-owned forest in France must be nonproductive for many years. By creating the proposed reserves now we shall secure a property which can be made to more than pay its way. If not created soon, enormous expenditures without productive return will become necessary.

"The creation of these reserves is in the interest of agriculture. After clearing, more or less of the land in the South is farmed for a short time, but erosion is so rapid that within from five to ten years there is not enough fertile soil left to bear crops. All land that is truly agricultural will be excluded from the reserves. Such lands in the mountains themselves lie in narrow valleys along the streams, and after denudation are exposed to severe injury by floods. In the distant lowlands through which the waters pass on their way to the ocean the effects of deforestation are also felt in floods, which sweep out bridges, dams, and houses, and often spread barren sand over many acres of fertile fields. From April 1, 1901, to April, 1902, floods in the South, fed from the Southern Appalachian region, did a damage estimated at \$18,000,000.

"The creation of these reserves is important for manufacturers. The water power furnished by streams from these two regions is of great importance, both north and south, and will be more important with the development of the use of electricity. A gain of from \$15 to \$30 per year for each horsepower developed, on the basis of a ten-hour day, has been estimated as the advantage of water over coal in point of economy. To the future industrial progress of the South forest preservation in the Appalachians is essential. The recent rapid manufacturing development, particularly of cotton manufacturing, in North Carolina, South Carolina, and Georgia, has been largely assisted by the water power available.

"In these three States alone cotton mills operated by water power are now established, which have an annual production valued at over \$60,000,000. A still greater future development, which additional water powers not yet utilized promise, is endangered. A water power which is intermittent is worthless under modern business conditions. The manufacturers whose observations extend over a term of years have discovered an appreciable decline in the volume of the streams. The water power of this southern region already developed or being developed is estimated at 500,000 horsepower. The undeveloped water power is probably not less than 1,000,000 horsepower more. If the forests are permitted to take their present course, a very large part of this power will be lost, entailing a severe blow to the prosperity of the South and lasting detriment to the entire country.

"The forests of both regions now contain a heavy yield of mature timber. They are highly productive forests. In variety and size of hard-wood species, the Southern Appalachian region surpasses any other natural forest in the country. The tendency under private ownership of forest lands, even under management, is to the production of small timber. In the lumber industry, from the nature of the case, the law of supply and demand does not fully guard the public interest. Both Germany and France at the present time find themselves confronted with a serious situation, owing to their neglect to provide at the right time for trees which would reach maturity and furnish saw timber now or in the immediate future. Enough land is in forest, but the crop is not ready, and in consequence alarm is now being sounded in both countries. Ownership by the National Government of the reserves now proposed will help to maintain for the future a supply of lumber trees of a large size.

"The White Mountains and the Southern Appalachians are alike in being natural recreation grounds for a very large part of our population. Over 60,000,000 of the people of the United States are within twenty-four hours of the Southern Appalachians, and the White Mountains have long held a foremost place as a summer resort, especially for the Northern and Middle Atlantic States. Both of these regions should be guarded and handed down to the generations which follow. They are great natural blessings with which we have been endowed and which we must protect.

"The question of the establishing of these reserves is not a local or a state question, but a national question. The interests affected are interstate. The evils which the reserves will check fall most heavily on distant communities, and even upon the National Government. Here again, if we are wise, we shall draw a lesson from French experience. In France the first efforts to repair the disastrous effects of torrents were made by engineers along the lower water courses. Dredging and dams, however, proved at best but temporarily effective. Only when they began to push their work up to the headwaters of the streams did they find themselves on the right road. The Government now puts into the building of levees and the improvement of navigation in rivers and harbors many millions of dollars annually. The reserves constitute a far more economical expenditure for the same purpose, in addition to their large contributions to the public welfare.

"It is not right to expect the State within which these areas lie to reserve them for the benefit of other States. It is impossible for States which suffer from conditions outside their own territory to remedy them by their own action. There has been set aside in the West, for essentially the same purposes which these reserves will secure, a vast area of reserves created from the national domain and benefiting primarily the people of the West. But the interests involved both in the West and in the East are too broad to be regarded as even sectional merely. The benefits of the proposed reserves will be national benefits, and their expense should be borne by the Nation."

THE APPALACHIAN FOREST RESERVE.

LOCATION.

The portion of the Appalachian region under consideration for the location of this reserve extends from Maryland southwestward, comprising parts of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee, and lying between the Piedmont Plateau on the southeast and the Appalachian Valley on the northwest. It consists of parallel chains of mountains, as the Blue Ridge and the Allegheny on the southeast and the Unaka Mountains on the northwest, with an irregular mountainous table-land lying between. The prevailing trend of the system is from northeast to southwest. Numerous smaller ranges, separated by narrow valleys and deep gorges, extend between the principal chains, some parallel and others at right angles to the parallel ranges. The whole region comprises an approximate area of 17,500 square miles, having an approximate length of 350 miles, while the width varies from 35 to 65 miles. It is not proposed that the reserve shall embrace any considerable portion of this section, nor that every part of the reserve shall be contiguous to all the others. The discretion is left with the Secretary of Agriculture

to purchase such lands as may be readily acquired and such as will prove most adaptable to the purpose in view.

RELIEF.

This is preeminently a region of mountains, and is of paramount importance for physiographic as well as for forest reasons. It includes the most prominent geographic features of the Southern States and contains the highest mountains east of the Mississippi River. Mount Mitchell, in North Carolina, is the highest peak, having an elevation of 6,712 feet. Over 40 peaks and 6,500 acres of land, lying in the Blue Ridge and Unaka mountains and intervening ridges, have an elevation of over 6,000 feet, while the whole region has an approximate altitude of 2,500 feet. The slopes, though steep, are seldom precipitous, being rounded and softened by age, and are mostly covered by a deep soil which is kept porous by the decaying vegetable matter, the mulch of the forest, and held in place by the roots of the trees, shrubs, and grasses growing upon it. In many of the transverse ranges, however, the bare and precipitous sides, carved from great masses of granite, lend a touch of variety to the scenery, and wherever the forests have been destroyed the soil, deprived of its support from the roots of the trees and the decaying leaves that cover it, quickly yields to erosion and yawning gullies scar the face of the hills.

DRAINAGE.

This region is drained by many large rivers, most of which rise in the Blue Ridge, for, though not the highest, this range is the oldest, and constitutes the divide for waters flowing east and west. On Grandfather Mountain, the highest point in the Blue Ridge, are two springs within a few feet of each other, the waters of one of which, flowing north, find their way by the New or Great Kanawha River into the Ohio and thence into the Mississippi; while the other, flowing east, forms the headwaters of the Yadkin, which flows southeast through North and South Carolina and empties into the Atlantic Ocean.

In this region rise many of the large rivers of the United States and all of the largest rivers south of the Ohio and east of the Mississippi. The James, the Roanoke, the Yadkin, the Catawba, the two Broad, the Saluda, and the Chatooga flow into the Atlantic; the Coosa and Chattahoochee into the Gulf; the New finds its way by the Kanawha into the Ohio; while the Tennessee, with its large tributaries—the Holston, the Watauga, French Broad, Big Pigeon, Hiwassee, and Little Tennessee—flow into the Mississippi. In addition to these dozens of other streams flow outward in all directions from this region and justify its claim to be considered one of the most important watersheds of the United States.

WATER POWER.

The descent of these streams is necessarily very rapid. Heading at altitudes of from 3,000 to 6,000 feet and leaving the foothills at from 1,000 to 2,000 feet, they must fall from 2,000 to 4,000 feet within the mountain region. Thus the Linville River, which rises on Grandfather Mountain, in North Carolina, descends at one place a distance of 90 feet in a linear distance of 100 feet, while in its whole length of 36½ miles, to where it empties into the Catawba, it has a total fall of 3,030 feet. This rapid descent of its streams has given rise to one of the most prominent topographic features which mark this region, namely, the deep and narrow gorges which have been cut through the mountain ranges, many of which are from 500 to 2,000 feet deep. The most noticeable of these gorges are those of the New River and Laurel Fork of the Holston River in Virginia; the Watauga, the Nolichucky, the French Broad, and the two gorges of the Doe River in Tennessee; the Tallulah River in Georgia; and the Big Pigeon, Little Tennessee, Nantahala, and Hiwassee in North Carolina.

The rock formation of the greater part of this section consists mainly of gneissic rocks, bedded slates, and limestones, having generally a northeast to southwest strike. But owing to the elevation and rapidity of the streams, the general course of the larger rivers has been but little modified by the geologic structure, and they lie directly across the strike of the rocks. The resulting conditions produce occasional falls and cascades, but for the most part the descent of these rivers is accomplished in a series of rapids which furnish opportunities for the development of ample water power by the construction of dams at convenient locations. Where the trend of the rivers lies along the strike of the rocks, as is the case in northern Georgia, the water descends by shoals and cascades, some of which are of great height, and large water powers could be easily developed. The following table has been compiled showing the possibilities in this direction:

Rivers.	Estimated horsepower.
New or Kanawha	60,000
James	50,000
Yadkin	60,000
Catawba	57,000
Broad and Saluda	48,000
Savannah	77,000
Chattahoochee	115,000
Coosa	140,000
Tennessee	100,000
Hiwassee	75,000
Little Tennessee system	100,000
French Broad system	50,000
Nolichucky	35,000
Watauga	20,000
Holston	40,000
Total	1,022,000

Estimating this power at \$30 per year for each horsepower developed, we have a total of over \$30,000,000, the existence of which depends upon the regulation of the streams, and this in turn, as will be shown, upon the preservation of the forest areas.

Of course, it is possible only to approximate this question. But it is certain, however, that on all of these streams large amounts of power could be easily and cheaply obtained. The average fall of the streams is great, being noticeably large at many places, while the low-water flow, owing to the heavy rainfall and the storage effects of the great forests, is comparatively large. From the records of the United States Geological Survey a comparative list has been prepared, showing that the minimum flow of the rivers throughout the Carolinas and Georgia is larger per square mile of territory drained than on the rivers either of the New England or the Middle States. The lowest flow ever recorded on the Yadkin, the Catawba, the Broad of South Carolina, the Broad of Georgia, and the Savannah is 0.2 cubic foot per second per square mile, while the records show less than one-half this amount in the Susquehanna. It is estimated that 500,000 horsepower has been developed or is being developed along these streams.

The following table, taken from the Charlotte (N. C.) Observer of January 23, 1906, shows the amount of power now being used to operate cotton mills in the piedmont regions of the Carolinas and Georgia:

Capital stock	\$33,647,500
Number of spindles	2,077,831
Number of looms	50,926
Number of employees	45,685
Number of horsepower	90,495
Number of bales per year (counting 11-hour day)	640,895
Total annual value of production (approximate)	\$64,060,776

Only the cotton mills are considered in this table. If we include the other milling interests of this region and the varied interests of Virginia, West Virginia, Maryland, Tennessee, and Alabama, which are not here enumerated, the grand totals would be greatly increased. All of these interests are vitally involved in the preservation of the Appalachian forests.

FORESTS.

This region contains the largest and most valuable hard-wood forests in the United States. On its slopes were born the hard-wood forests, which, disappearing on the north by contact with the ice and on the south, east, and west from the encroachment of the sea, found here those favorable conditions of soil, elevation, and climate which contributed to their successful growth and continuance. One hundred and thirty-seven species of trees and a still greater number of shrubs and smaller plants have been examined and classified by government experts. Among these the most valuable, from a commercial standpoint, are the black walnut, cherry, yellow poplar, chestnut, oak, beach, ash, magnolia, and mulberry. The oak, of which the principal species are the white, red, yellow, chestnut, Spanish, and spotted oak, constitutes by far the greater portion of the timber trees. They are found mostly on the southward slope of ridges and on the lower slopes, where they grade into the pine forests of the plains. Next in abundance is the chestnut, which constitutes 17 per cent of the forest. Hemlock is found on the well-watered portions of the northern slopes and is most abundant at altitudes of from 3,000 to 5,000 feet. White pine is found as a valuable timber tree over the entire area, but is most abundant in the Unaka Mountains and the cross ranges. Poplar has a wide distribution, while the buckeye, beech, birch, maple, cucumber, and linn are most abundant on the northern slopes.

FUTURE OF THIS REGION.

This region is rich in minerals. It has limited but definite agricultural possibilities. The water-power possibilities, as shown above, are also of great importance, but the most important single resource of this section is its timber. The original forest was wonderful in the extent and variety, the density, size, and quality of its timber trees. Under present methods and conditions, however, this resource is being rapidly and dangerously depleted, and the three agencies that are contributing to its downfall are lumbering, forest fires, and clearings for farm purposes.

LUMBERING.

Lumbering operations are widespread, and, though primitive, the methods show a reckless disregard for future growth. A clean lumber job is seldom seen. Trees are felled without regard to the young growth. The logs are "snaked" down the hillsides with mule teams, breaking down the young seedlings and wearing deep trails in the sides of the hills, which are soon converted by the heavy rains into yawning gullies. The tops of the trees and the branches are left on the ground to rot and become the breeding places of innumerable insects, which attack the living growth. Under government control this industry, directed into proper channels, would insure the preservation of the forests, furnish a valuable object lesson to private ownership, and contribute materially to the support of the reservation.

FIRES.

The dried branches and tops of felled trees also furnish ready material for the spread of the great forest fires which constitute the second agency contributing to the destruction of the forests. Fires, of course, have been prevalent since the days of Indian occupation, but it is only in recent years that they have been attended with such disastrous results. Grazing is an important industry in this region, and the idea is prevalent that pasture lands are improved by being burned over yearly. Fires are started also by farmers to help in clearing new patches of land, and no attempt being made to check them, they creep through the forests year after year, scorching the butts and roots of trees, destroying the seedlings, and burning up the forest litter and humus. The effect of these fires is seldom appreciated, inasmuch as they do not often kill the larger trees. But where the spring fires are of yearly occurrence it is impossible for the seedlings to grow. Under such conditions a forest can not reproduce itself. As the trees die out or are cut for lumber they are replaced by worthless shrubs and brush that sprout from the roots.

CLEARINGS.

Greater than either of these agencies in contributing to the destruction of the forests is the damage done by clearing, for agricultural purposes, lands which are not fit for farming lands, but should remain forever in forest. From year to year the farmer, abandoning his worn-out fields, moves up the side of the hills, clearing additional patches which can not at best last more than four or five years. After the trees have been deadened and the shrubs removed, corn may be planted on the patch for a year or two, then grain for a year, grass for a year or two, then it may be used as a pasture for a year or two, after which its usefulness is over. During this time the color of the soil is gradually changed from a dark gray or black to red, as it loses its organic matter. Becoming more and more impervious to water, it yields to erosion, and the field is given over to weeds and gullies.

The tan-bark industry is also a growing industry in this region. Every year thousands of cords of bark are shipped from this section, stripped from the trees, which are either left standing to die or are left on the ground to rot.

FLOODS.

Thus the lumbermen, the forest fires, and the farmers have cooperated to destroy these forests. Already serious damage has been done, and a continuance of present methods and conditions must inevitably, in the near future, result in the destruction of this great natural resource of the Southern Appalachians. But these agencies have not only contributed to the downfall of the forests; they have made possible the serious floods that have of late years characterized the rivers that flow out of this region. In the virgin forests the ground is covered with a blanket of decayed vegetable matter, often a foot or more thick, the mulch of the forests, which acts as a sponge to absorb the water that falls upon it. The branches of the trees break the force

of the rainfall, and their roots, extending deep down into the soil, when decayed, furnish a network of underground channels which take up the water, and weeks later send it out as innumerable springs at the foot of the hills. Here, where the rainfall sometimes reaches a total of 105 inches in a year, nature has provided this sponge, which acts as a great reservoir, storing up the water and feeding it out slowly and regularly to the streams that have their source in these mountains.

But where the fires have consumed this humus or sponge, and where the soil has lost its organic matter, as in the abandoned hillside clearings, no check is opposed to the force of the waters, which, sweeping down the steep hillsides, flood the rivers, sweeping away bridges, dams, and mills, destroying public roads and fertile valleys and filling up navigable streams with the silt brought down with it. It is estimated that the direct loss by flood in this region from April 1, 1901, to April 1, 1902, amounted to \$18,000,000, and as the forest destruction continues these floods will become more and more disastrous. The destruction of the sponge reservoir also affects seriously the low-water flow of the streams and threatens to destroy the value of water power. The protection and preservation of the great natural resources of this region resolves itself then into this—the protection and preservation of the forests.

CONCLUSION.

The application of practical forestry to this region would not only preserve the productive capacity of the forests, but would protect the water power as well and would go far toward preventing the frequent recurrence of disastrous floods. Protection from fire is practicable without great expense, the hard-wood forests of this region being by no means so inflammable as the coniferous forests of the North and West. Under favorable conditions the reproductive power of these forests is remarkable, and a reservation would soon become self-supporting from the sale of timber. As a health resort, no region offers more natural facilities. Within twenty-four hours of 60,000,000 people, it would become one of the great vacation grounds of the Nation.

The various States in which it is proposed to locate this reserve have already by legislative acts conferred upon the United States Government the right to acquire titles to these lands and exempted them from taxation. They can not, on account of the proposed location of the reserve in more than one State and their own lack of funds, be expected to go much further. Nor can we look to the individual landowners for any improvement in present methods. Only cooperation on a large scale, such as Government ownership would insure, can stop this unwise cutting, regulate clearings, prevent disastrous fires, and preserve to the Nation the great natural advantages and resources of this wonderful region.

HISTORY OF SOUTHERN APPALACHIAN RESERVE LEGISLATION.

April 21, 1900. Bill by Senator Pritchard providing an appropriation of \$5,000 for a preliminary investigation.

April 26, 1900. Bill passed the Senate and became a law on July 1.

January 1, 1901. Report of the Secretary of Agriculture regarding the preliminary investigation made sent to Congress.

January 19, 1901. President McKinley presents above report with a special message recommending its favorable consideration by Congress.

January 10, 1901. Bill by Senator Pritchard providing an appropriation of \$5,000,000 for the establishment of the Southern Appalachian reserve.

January 28, 1901. Favorable report on bill providing an appropriation of \$5,000,000 from the Committee on Agriculture.

December 10, 1901. President Roosevelt transmits report of the Secretary of Agriculture on the forests, rivers, and mountains of the Southern Appalachian region to Congress with recommendation that Congress consider it favorably.

In addition to the foregoing, a bill in 1904 passed the United States Senate, but the House took no action on it.

THE WHITE MOUNTAIN FOREST RESERVE.

The White Mountain region, in which by far the larger part of the proposed White Mountain forest reserve will lie, covers an area of approximately 812,000 acres, most of the land being far "better suited to forest production than to agricultural use." The three principal ranges of mountains contain nine or more peaks over 5,000 feet in height. In the Franconia Range, to the southwest, Mount Lafayette towers 5,259 feet, flanked by mountains of nearly equal altitude. Mount Washington (6,293 feet), the second highest peak east of the Mississippi River, occupies a conspicuous position in the lofty Presidential Range in the center, while the Carter Range, to the northeast, although not so high as either of the other ranges, contains peaks of very considerable elevation.

Formerly this entire region, with the exception of the summits of the highest mountains, was covered with a dense unbroken forest that stretched without interruption to the northern limits of the State, and even now the greater part of the region is forested, though clearings have been made along the railroads and in the river valleys. It must not be supposed, however, that all of this growth is timber or even destined to become timber in the course of time, for careless lumbering and repeated fires have in some places worked havoc with the forest cover, and the growth there is of a worthless character.

THE FORESTS.

The lower slopes of the mountains, up to an altitude of 1,800 feet, and rarely extending beyond 2,400 feet, are covered with a growth of hard woods typical of the region and latitude—the hard and soft maple, yellow and white birch, and beech, to name only a few of the more common. From 1,800 to 3,500 feet the red spruce, the most valuable of all forest trees in northern New Hampshire, predominates, though mixed with balsam (fir) and some of the harder broad-leaved species. From 3,500 to 4,200 feet the conifers, with occasionally a birch, are alone able to make successful growth, while above 4,200 feet we find only a scrubby stand of balsam, prostrate shrubs, and bare rock.

The character of the growth depends somewhat on the aspect of the mountains and their gradient, but in general the four forest belts above named are traceable throughout this region.

More than 180 different species of woody plants grow in New Hampshire, many of these of great commercial value, but the forests in the north of the State are preeminently forests of conifers, unlike the timber lands of the proposed Southern Appalachian Forest Reserve, where hard woods predominate. Of the conifers, the red spruce, as above stated, is by far the most valuable. It represents 82.5 per cent of the total cut of all species. Balsam and white spruce (the latter in the extreme north), tamarack, white cedar, hemlock, and white pine (in the south) are the other soft woods that make up the bulk of the forest.

In Albany and Waterville, on the southern edge of the region under discussion, the stand of spruce is the heaviest in New Hampshire, being 90 per cent spruce and 8 per cent birch on the lower levels. Here, in the Connecticut Lake region on the north, in the upper part of the Magalloway River basin (the best timbered watershed in the State), and on the northern and eastern slopes of the Presidential Range, are the only considerable tracts of virgin forest now standing. The total area is not far from 200,000 acres.

The total stand of soft woods in northern New Hampshire is estimated at 4,764,000 feet, board measure.

SCENERY AND CLIMATE.

To attempt to describe the scenery of the White Mountains—the "Switzerland of America"—would not only be superfluous, but would be out of place in this report. Of the many "notches" in the hills, each has its own charm. The rugged and precipitous Crawford, or White Mountain Notch, at the very base of the Presidential Range; the gentler sloping Franconia Notch, with its "Old Man of the Mountains;" the Pinkham Notch, with Glen Ellis Falls, and the startling Dixville Notch, in the north, produced by some titanic convulsion of nature long ago, have attractions that are not equaled east of the Rockies, while the towering summits of the White Hills and the green-clad slopes of the mountains farther south, interspersed with lakes and streams, afford each year to many thousands from all over the country unrivaled opportunities for rest and recreation.

As a summer resort the White Mountain region is without a peer. This region is within a day's easy travel of more than 10,000,000 people, who have been quick to take advantage of the opportunities given them. It is estimated that the returns from the summer-resort business alone in this one State amount to more than \$8,000,000 annually.

The existence of this region as a health resort depends directly upon the preservation of the forests, either absolutely or through conservative lumbering. The denudation of the timber lands is followed very frequently by an invasion of fire; the few remaining trees are destroyed; the very soil in some cases is consumed, and the rivers at their sources become at best feeble and intermittent. When the forests are gone and the streams have dwindled the mountain region will no longer be a desirable place for summer residents, and they will be compelled to go elsewhere. This is no conjecture. Beyond doubt many people who formerly frequented the White Mountains now spend their summers in Canada for no other reasons than those named above.

The climate of the White Mountains, though cool, is dry and bracing, tempered by elevation and proximity to the sea. Even this is dependent in a large measure on the preservation of the forests in their substantial integrity.

RIVERS AND LAKES.

The White Mountains constitute the great watershed of the New England States. Five of the principal rivers of this section of the country rise or have important tributaries that originate there, and all of the New England States save one, Rhode Island, are concerned in the preservation of their even flow.

The Connecticut is the largest river in New England. Rising in the Connecticut lakes, in the extreme northern part of New Hampshire, it forms the boundary between that State and Vermont and, flowing through Massachusetts and Connecticut, empties into Long Island Sound, 375 miles from its source. The drainage basin covers, approximately, 677,179 acres. The most important tributaries of the river in northern New Hampshire are the Upper Ammonoosuc, Israels River, and the Lower Ammonoosuc, all of which rise in the White Hills.

The Merrimac River is formed by the junction of the Winnepesaukee and Pemigewasset rivers at Franklin, N. H., about 110 miles from its mouth, at Newburyport, Mass. The Winnepesaukee River drains the lake of the same name, the largest natural reservoir within the boundaries of the State. The Pemigewasset River, with its numerous tributaries, reaches into the very heart of the White Mountain region, receiving the drainage of the larger part of the Franconia Range as well as that of two very considerable lakes, Squam and Newfound. The drainage basin of this river (the Pemigewasset) covers 343,512 acres.

The Androscoggin River receives the drainage of the extensive Rangeley chain of lakes, most of which lie in Maine, but many important tributaries, particularly along the Magalloway and on the Androscoggin proper, in the vicinity of Berlin and Gorham, receive their waters from the New Hampshire mountain system. The drainage basin of this river covers 480,272 acres.

The Saco, the fourth of the rivers that drain the territory under discussion, rises in the heart of the Crawford Notch and flows south-east, emptying into the sea below Saco and Biddeford, Me. Its drainage basin, within which are several extensive lakes, covers 444,435 acres, and the major part of its waters are received from the mountains of New Hampshire.

A fifth river, the Piscataqua, forms for some distance the boundary between New Hampshire and Maine and furnishes considerable water power on its upper reaches.

New Hampshire as a whole is singularly fortunate in the number of lakes and ponds that constitute natural reservoirs and assist very materially in preserving continuity of flow in rivers and smaller streams, but in the immediate vicinity of the region where the larger part of the proposed reserve should be established these natural reservoirs are entirely lacking, and the streams depend for their constant supply on the waters stored in the spongy duff that forms the forest floor and kept from evaporation by the dense shade of the forest cover.

The water power developed along the five rivers that are thus primarily dependent for their supply of water on the perpetuation of the forest is enormous, and nowhere has it been fully utilized.

The Connecticut, speaking only of the main river, has a total fall of 2,038 feet and is capable of being rendered one of the most valuable rivers in the world. "The power developed at Holyoke, Mass., is the largest in the country, except that at Niagara."

The Merrimac, as a source of water power, is justly famous. The total fall of the main river is 269 feet in 110 miles, the fall being concentrated, however, at six principal points, thus giving maximum power facilities. There has been developed an aggregate of over 40,000 horsepower at Lowell, Lawrence, and Manchester, and on the tributaries of the river the total utilized horsepower is in excess of 45,000.

Brunswick, Auburn, and Lewiston, in Maine, and Berlin and Gorham, in New Hampshire, are important manufacturing towns on the Androscoggin; Saco and Biddeford on the Saco; and Dover and Somersworth on the Piscataqua and its tributaries.

The population of the thirteen cities and towns mentioned was, in 1900, 355,329, and many other populous communities that are largely dependent upon one of these five rivers for their prosperity and usefulness could be enumerated. Moreover, the fact that the supply of

drinking water for several of these centers of population is taken from the streams named should not be overlooked.

All of these five rivers are of value for purposes of navigation, and the agricultural industries along their banks are of no minor importance.

Rainfall and water storage: The average annual rainfall in New Hampshire is about 42 inches, and this amount has varied but little in the years since observations were first made, but "it is the amount of water that passes into the soil, not the amount of rainfall, that makes a region garden or desert."

It is not claimed by the advocates of this bill that an increase or decrease of the forested area will in any way affect the total rainfall—forests appear to be the result of rainfall rather than the reverse—but it is contended that "the forest is the most effective agent known in regulating the disposition of the precipitation after it reaches the ground."

Water escapes from the ground upon which it falls in one of four ways—by transpiration, evaporation, surface run-off, or seepage. The presence of forests may increase slightly the amount of moisture that is lost through transpiration, but this is more than offset by the greatly increased retentiveness of the soil due to the presence of the forest cover.

The shade of the trees and the obstacle they oppose to the force of the winds materially lessen the evaporation. European observations covering many years show that evaporation from wet surfaces on the floor of the forest is but one-third or one-fourth that from similar surfaces in the open.

The branches and leaves of the trees break the force of the rain and extend the period of time during which it reaches the soil. The force of the impact is thus decreased and hardening of the forest floor prevented. The roots and trunks of the trees also tend to hold in place the accumulation of litter which absorbs the rain and melted snow and greatly reduces the surface run-off.

The principal avenue of escape for the water from a forested area is, therefore, through seepage. The water is given off gradually from the ground, and the flow of the streams is thus made even and permanent.

Forests are a most important factor in preventing floods and the succeeding droughts. That New England has not suffered more severely from the former is due perhaps to the fact that her river beds are generally deep and capable of containing an amount of water much in excess of the average flow, but the Amoskeag Manufacturing Company, at Manchester, N. H., some years ago, it is said, lost more than \$100,000 from a freshet, and other instances might be named. Droughts, too, are not uncommon.

In Bulletin No. 7 of the Forestry Division, United States Department of Agriculture, published in 1902, are given a number of well-substantiated examples of forest influences in this country. A few will suffice for a proper understanding of the subject:

"In the year 1881 the State of New Hampshire established a forest commission, who were instructed to inquire, among other matters relating to the forests, into 'the effect, if any, produced by the destruction of our forests upon our rainfall, and consequently upon our ponds and streams.' In their report, made in 1885, the commission presented a summary of the large number of replies to their inquiries. These replies came from all parts of the State. From the summary the following citations are made:

"Beginning with the southern portion of the State, and with the town of Richmond, attention is called to a small stream there, which in 1865 furnished sufficient power for four sawmills nearly all the year, but which began to dry up with the more rapid removal of the timber occasioned by the introduction of steam as an auxiliary power. The water and the woods have disappeared together, and the same is the case in other portions of the town.

"In Fitzwilliam and Rindge the same results have been reached all the more rapidly because of the nearer proximity of these towns to a market. Well-known trout streams, once abundantly stocked with fish, are now dry half of the year, and the treeless ground and naked rocks along their banks and about their sources are considered a sufficient explanation.

"The chairman of the board of selectmen in Henniker, who has given much attention to the subject, is confident that the water in the Contoocook River has decreased fully one-third within even twenty years, and that the tributaries have fallen off still more, many being nearly dry in the summer. During this period \$75,000 worth of timber has been cut within this one town. In the surrounding towns also the timber has disappeared with equal rapidity, and the water supply has seriously decreased.

"The report from Bow, which covers a period of fifty years, within which most of the timber has been cut off, and that from Hopkinton, which covers a period of sixty years, both tell the same story of naked hillsides and diminished streams.

"At Hanover the Connecticut River for many years has been decreasing in volume, and with increasing rapidity the timber from its headwaters has been floating by.

"In Canaan sixty-five years ago there were nine or more mills of different kinds; abundant water power all the year around; no thought of reservoirs or double dams or precautions against drought. Canaan street, now covered with a firm, dry sod, was laid out through a swamp, impassable but for the hummocks and fallen trees, while dense forests of giant trees covered the hills. The writer who furnishes the above facts, a native of the place, returning after an absence of thirty years, found the hills and rocks bare, the springs choked up, and the mills obliged to resort to steam power or lie idle.

"The great mountain region of the State lies in contiguous parts of the counties of Grafton, Carroll, and Coos. The numberless streams originating in this region, protected by the primitive forests, might be thought to be beyond any disturbing causes, but such is not the case. The town of Littleton depends upon the Ammonoosuc for its water power, but three of its oldest citizens testify that this power has diminished one-third within fifty or sixty years. The mountain forests during this same period have been encroached upon as never before, and it is not surprising that so commonly these two facts are associated as cause and consequence.

"Coos County contains more of the first growth of timber than any other portion of the State. In the midst of this region are the sources of the Connecticut, Androscoggin, Saco, and their many tributaries, and a diminished water supply at this point is felt throughout the course of these important streams. The report from Jefferson is that the older inhabitants agree that the streams are smaller than formerly.

"An intelligent observer at Berlin, on the Androscoggin River, makes the following important statements, covering a period of twenty-six years: Within a radius of 4 miles from his residence are 8 streams or brooks and 2 ponds, and the water in each during the above period

has materially diminished. As an illustration of the connection between the removal of the woods and this diminished supply, he adds that six years ago he supplied his stock with water from what was then an unfailing brook, by means of an aqueduct which furnished 300 gallons per hour. Now that the trees along the stream have been destroyed by the woodman's ax and by forest fires, his water supply is cut short in summer by drought and in winter by frost. Hundreds of acres of timber have been cleared within these six years in the same vicinity.

"At Lancaster, the county seat, on the Connecticut River, an old resident reports 'an alarming decrease in the water of the streams and springs during the past sixty years, and especially during the last twenty-five years, within which period the smaller timber also has been removed. Israel's River in his boyhood was a large mill stream 8 or 10 rods wide, with sufficient water to carry a very large amount of machinery the year round. Now it is an insignificant stream, with, from May to November, not more than half the water it had fifty years ago, and not more than two-thirds there was twenty-five years ago. Other streams have suffered in the same way, and the springs have, if possible, suffered more than the streams. Many once thought to be never falling are now for long periods dry. That the cutting off the forests accounts very largely for this change he considers as sure as that effect follows cause, and the result is hastened by the reckless methods in use. Instead of cutting timber that is matured, everything is cut to the size of 5 or 6 inches in diameter, and what remains is cut into firewood or burned at once, leaving a dreary waste.'"

PURPOSES AND BENEFITS OF THE RESERVE.

1. PRESERVATION OF FORESTS.

The first great object of a forest reserve is the perpetuation of the various species of trees that are found within its limits for the use and enjoyment of future generations. It must not be supposed that a forest, once cleared, will reproduce itself always, or even generally, in like form. In uncultured forests of conifers, reproduction of soft woods is usual, but where hard woods are mixed with conifers, the second growth consists largely of the broad-leaved species, owing to their faster relative growth at first and the greater ease with which they are seeded. Only on the upper slopes is the reproduction generally in conifers.

Therefore it can readily be seen that the total area of soft woods is constantly diminishing, and when fire comes in to further complicate the processes of nature the end of the spruce growth seems in sight.

Even when allowed to reproduce without let or hindrance, few of the valuable species of soft woods become merchantable in less than sixty to one hundred years. "At 3,000 feet it takes a spruce tree one hundred and twenty-five years to become 6 inches in diameter."

Under private ownership no such conservation of the timber supply as is necessary can be had. Impelled by the desire for immediate returns from their investments and fearing that any moment their holdings may be seriously depleted by fire, it is natural that the owners of forest lands should have but little interest in future crops not to be harvested in their lifetimes. Operators of the larger paper, pulp, and lumber mills in New Hampshire, however, have in some instances come to realize that the perpetuity of the mills depends directly upon the productive capacity of the forest, and initial efforts are being made, through the application of correct forestry principles, to insure an endless supply of raw material.

These individual efforts of necessity must proceed very slowly, and before the entire threatened area can be brought under private conservation irreparable damage will have been done to the forest cover, which is of primary economic importance to all New England.

2. PRESERVATION OF WATER POWER.

The forests of the White Mountains, as has been shown, have a direct effect on the water power of five of the New England States. Their preservation by federal action, as a matter of farsighted economy, would be justifiable on this ground alone.

3. PREVENTION OF FIRES.

On the prevention of forest fires rests the whole problem of valuable second growth. Fire is more destructive than man; it is the greatest enemy of the forest, for not only does it destroy the standing timber and other merchantable material, but the young growth, the seedlings, the seeds, the leaf litter, and even the soil itself.

The causes of forest fires, in order of importance, are: Railroads, carelessness in clearing land, fishermen, campers, and maliciousness. Owing to the fact that the two dangerous seasons of the year, in New Hampshire, are in the early spring and fall, more fires are set by the negligence of sportsmen than would at first seem possible, but probably more fires are caused by railroads than by all other agencies combined.

New Hampshire forests have been visited repeatedly by destructive conflagrations, though the topography of the country forbids the occurrence of any fire so far-reaching as the Miramichi fire in New Brunswick in 1825. The Zealand valley has been several times burned over and no part of the State has been entirely free.

The spring of 1903 was particularly dry, the total precipitation was much below the normal, and the prevailing winds were unusually high. As a consequence fires, kindled by the various agencies above named, swept over New Hampshire in every direction. Eighteen thousand acres were burned over in the townships of Kilkenny and Berlin alone; 84,000 acres in the White Mountain region, including, it is estimated, 30,000 acres of valuable timber land, and more than 200,000 acres in the entire State. The total loss was not far from half a million dollars.

The effect of fire, if it does not entirely destroy the floor of the forest and so prevent the return of tree growth except after long years, is to permanently change the character of the forest cover. The soil is leached by rains, and many of its valuable constituents are washed away. All young conifers are killed, to be reproduced only from seed carried by the winds, and the land springs up to the more resistant and more rapid-growing species, such as hard woods, poplars, and the worthless bird cherry and scrub oak, which keep out all valuable growth for from fifteen to twenty years. "The tendency of a repeated burn is to increase the number of (valueless) hard woods present."

The laws of New Hampshire relating to forest fires, their prevention and control, are good; but forests owned by private parties are not policed as they should be, and only under public ownership can proper precautions be taken. The fire problem in the White Mountain region, it is expected, will be speedily solved if the proposed reserve is established.

4. FOREST INDUSTRIES IN NEW HAMPSHIRE.

It is a very remarkable fact that "instead of reducing their per capita wood consumption as the supplies become less and dearer and iron and steel cheaper all civilized nations have within the last forty

years constantly increased their wood consumption at a rate of from 3 to 5 per cent a year."

A very large wood-consuming population is within easy reach by land or sea of the timber lands of New Hampshire. Probably the forests of this region are more intensively lumbered than those covering an equal area in any other part of the United States.

The wooded area of New Hampshire in 1900 was estimated at 3,228,000 acres. The total amount of timber cut for lumber was 570,357,000 feet board measure, or 177 board feet per acre of wooded area, this being the largest cut per acre recorded in any State of the Union. Wisconsin follows with 175 board feet per acre; Pennsylvania with 163; Ohio with 161; and so on down to Texas with but 15 board feet cut per acre of wooded area.

Obviously these figures show fairly accurately the extent to which the lumber industry is using the forest resources of a State. New Hampshire is unquestionably using hers at a rapid rate.

And the fact that the average quantity of merchantable timber to the acre in New Hampshire is 5,800 feet, or nearly 4,000 feet per acre larger than the average stand of the Maine forests, probably explains the intensity of the commercial assault on New Hampshire's timbered area. In addition, the topography of the State's chief forested area, namely, the section under discussion, is such as to render lumbering comparatively easy and economical, and the presence of convenient trunk lines of railroad greatly facilitates the marketing of the manufactured product.

The capital invested in the paper and pulp industries increased from \$1,221,491 in 1890 to \$8,163,081 in 1900, and the value of the finished product in the same time from \$1,282,022 to \$7,244,733. The mills consumed 196,900 cords of pulp wood in 1900, the larger part coming from New Hampshire, and 296,508 cords in 1903, which would indicate that the value of the finished product has increased by a third in the last three years. The combined holdings of timber land of pulp and paper mills in northern New Hampshire are 488,200 acres, including the great bulk of the virgin forest.

The capital invested in the lumber industry in New Hampshire was, in 1900, \$11,382,114, with a product valued at \$9,218,310.

Conservative lumbering, under proper regulations enforced by Government ownership, is necessary for the perpetuity of this great and convenient supply of timber.

5. INCOME FROM RESERVE.

Lastly, it may be said that the establishment of the proposed reserve will be an investment that is destined to result in safe and substantial returns.

Systematic removal of the mature trees in a forest will bring in a constant revenue, and will at the same time in no wise interfere with advantages attendant upon the preservation of the forest cover.

Scientific forestry in Germany, France, and Italy gathers an annual crop from the trees, which have reached the point where they are commercially valuable and can be cut, not only without injury to, but, on the contrary, for the benefit of the whole forest, of from \$1 to \$5 an acre per year net after paying all the expenses of their care." The Swiss forests "yield net to the Government \$8 per acre a year," and the statement is made that one of our western reserves, in 1902, yielded an income of \$20,000 over and above the cost of its protection.

The total income from the forest reserves of the United States in 1905 was about \$500,000, a remarkable showing in view of the fact that the forest service has only recently undertaken to exploit the resources of the timber lands under its control.

In New Hampshire the remnant of virgin forest in the Presidential Range is in a compact area; it will be possible, if preserved, to operate this tract immediately for revenue. One hundred and ten thousand acres will cover all the threatened area, including the entire bulk of the Presidential Range, some 60,000 acres. Deducting the land already under reserve—about one-fourth of the whole—held by hotel companies, railroads, or as farming land, and not to be considered here, there remain 80,000 acres of forest and ledge to be taken. Included in this acreage is some denuded territory.

Conservatively estimated, the average annual increment of standing timber is 200 feet per acre. At this rate the annual increase on 80,000 acres is some 16,000,000 feet. The value of spruce stumpage has increased in recent years from \$2.50 per 1,000 feet to \$6 or \$8 per 1,000 feet. The income, therefore, from the 80,000 acres in the Presidential Range, at the low estimate of \$5 per 1,000 feet, would be \$80,000 annually.

A FEDERAL MATTER.

New York and Pennsylvania have purchased large areas within their boundaries as state forest reservations. To protect the waters flowing from the White Mountain region and to conserve the supply of spruce timber will require the taking of a much larger proportion of the small State of New Hampshire. It is impossible for a population mostly farmers, few of whom acquire wealth, to set aside and maintain so large a portion of their domain for a reservation for the country at large.

New Hampshire owns no public lands. The rivers which have their origin within her borders contribute more largely to the prosperity of other States than to hers. She ought not to be expected to burden herself with debt for the benefit of her neighbors, nor can they be expected to purchase lands outside their own borders for the creation of a forest reserve. The Connecticut, for example, is vastly important economically to the States of Vermont, Massachusetts, and Connecticut, but none of these States can rightfully be asked to contribute money to be invested entirely within a sister State.

The Government does much in many ways to create wealth for the people. But, unlike the great expenditures for river and harbor improvement and for irrigation, this is a proposition not for the creation of wealth, but for its preservation. The advantages to be gained are not local and temporary, but destined to bring benefit to many States and to generations yet to come.

Since 1891 the National Government has been committed to the establishment of forest reservations, and at present approximately 100,000,000 acres have been reserved, with an aggregate value of more than \$250,000,000; yet only one of the reserves so far established is east of the Dakotas. All but the Minnesota reserve are west of the one hundred and third meridian, while at present more than nine-tenths of the population of the United States is found east of that line.

France has involved herself in vast expenditures for the reforesting of a large mountain area, and Italy is similarly engaged. It costs the former country \$50 and the latter \$24 to replace the forest cover on a single acre, and this is expected only to start the growth of the new forest. It will be at least half a century before the reforesting will be measurably beneficial. Even then the character of the forest floor will be far from ideal, and centuries will be needed to effectually bring

back the qualities that make it of such great economic value to the lands below.

It is not the main purpose of this bill to reforest the proposed reserve, but to protect the forest cover already in existence.

The demand for immediate action is imperative if the remaining virgin timber in the White Mountains is to be preserved. Quite as great is the demand for proper regulations to control the cutting of the secondary growth and to prevent the depredations of fire.

The magnificent forest system of Germany, as exemplified particularly in the Black Forest, commends itself to every student of the forest problem, and it is evident that the National Government alone can undertake and successfully carry through works of this magnitude.

Mr. BRANDEGEE. Mr. President, legislation along these lines has been recommended by the last three administrations, by numberless bodies representing the commercial interests of the country, chambers of commerce, and boards of trade. It has been almost unanimously indorsed by the press of the country. It has been favored in party conventions and conventions of scientific and professional men through the length and breadth of the land. A large majority of the state legislatures have from time to time petitioned this body to pass legislation of this character, and the Senate has passed a similar bill six or seven times. The particulars of those bills are described in the report which I have previously sent to the desk.

At the last Congress the Senate passed a similar bill, but that bill appropriated, in a lump sum, \$5,000,000 to be expended in the execution of this policy, whereas the pending bill appropriates a very meager sum, authorizing the Secretary of Agriculture to confer with those States which have passed laws to protect their forests from fires and to cooperate with them.

This bill also appropriates \$1,000,000 for the next fiscal year and \$2,000,000 each year for the next five fiscal years, to be expended by the forest reservation commission, which the bill creates, in the purchase of such lands as shall be found necessary for the protection of the watersheds of the navigable streams by a commission composed of two Members of the House, to be appointed by its Speaker; two members of the Senate, to be appointed by the Vice-President; the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and the Director of the Geological Survey.

I say not a penny of this money will be spent until that commission has found, as a fact, upon such investigation and evidence as is sufficient to convince it, that the taking of those lands by the Government, to the extent of the money appropriated, is actually for the protection of watersheds of navigable streams.

There are many other benefits which will flow from this legislation other than the preservation of navigation. Some who are opposed to this measure seem to think that because other good would be accomplished to the country which we would have no strict constitutional authority to legislate in behalf of, therefore this bill is unconstitutional, because it does not sufficiently protect navigation, in their opinion, to make it a legitimate means to the end. I think, however, Mr. President, anybody who will read the report of the Secretary of Agriculture to the Congress which was inserted in this morning's RECORD, which report was made in response to a direction of Congress to him to investigate the bearing which the protection of the forests in the White Mountains and the Southern Appalachians has upon the regulation of stream flow and the preservation of the navigability of the navigable rivers, can not be otherwise than convinced that it has a material effect. If that is so—and no money can be spent under the bill unless the commission is satisfied it is so—then I think it is as constitutional a measure as was ever proposed in this or any other legislative body.

If it is constitutional, is it wise? That is the sole remaining question, in my opinion. I think it is. I, of course, do not know personally, and no man can know personally, exactly how much effect the destruction of a forest at the source of a navigable river is going to produce upon the stream flow of that river; that is, you can not, in advance of your own knowledge, know it. But numberless bodies of civil engineers, electrical engineers, waterway conventions, forestry conventions, professors of colleges, and educated men, both in this country and in the old country, have concurred that, in their opinion, it does have a controlling effect. No Senator can be the judge of a thing of that kind, empirically and in advance. No one of us can buy a range of mountains at the source of a navigable river and then proceed to cut the trees down and see what effect it produces upon the stream flow after the moist soil, which had theretofore been protected by the forest, has been dried up and carried down the stream, and then reforest those deforested hills and see if, after the Government shall have dredged out the silt from the bed of the river and trees have been regrown, the stream flow will return or not. All we can do is to do as in all other cases of the expenditure of public funds for the investigation of a disputed question, and that is to pass legislation creating such

board or commission, properly composed and of such a character as that their judgment will be respected and carry weight, and leave to them the determination of a question of the fact or a scientific theory or practice or whatever it may be. If we have a proposition to reclaim arid lands of the West, we do not know in advance exactly what the effect will be of the proposed legislation, but we create a commission, a Reclamation Service. They employ skilled engineers and people expert in these matters, and we leave it to their judgment.

I have heard an objection raised to one of the provisions of the bill to the effect that the lands were not definitely located, that we ought first to delimit exactly the particular acres of land we were going to purchase. A bill upon lines of this character which contained limitations of that kind would absolutely defeat itself, and it could not be drawn unless we in advance should know all about the topography of each place where the money was to be spent. It has to be upon broad lines to be effective, and discretion must be lodged somewhere. I for one am willing to trust the exercise of this discretion and experimentation, within the amount limited by the bill, to our own Secretary of War, who has a skilled body of engineers in the service to advise him about it, to two members of our own body to be selected by the Vice-President—

Mr. BURTON. Mr. President, will the Senator object to an interruption at this point?

Mr. BRANDEGEE. I yield to the Senator.

Mr. BURTON. Is it not true that the question as to whether the lands purchased will promote or protect is left to the Geological Survey?

Mr. BRANDEGEE. No; not at all.

Mr. BURTON. Allow me to read the section of the bill in regard to that.

Mr. BRANDEGEE. Certainly.

Mr. BURTON. Section 7 provides:

That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

Now, suppose the Geological Survey should make a report to the effect that the purchase of certain lands would promote or protect the navigation of streams, would not the Secretary of Agriculture have full authority to purchase those lands?

Mr. BRANDEGEE. Certainly; but that is not the question which I understood the Senator to ask.

Mr. BURTON. Then the real decision about the protection of navigation rests with one bureau of the Government, does it not?

Mr. BRANDEGEE. I do not agree to that at all, Mr. President; on the contrary, it seems to me that, instead of giving the right to the Geological Survey to say what lands shall be purchased, it is a limitation upon the commission, prohibiting them from purchasing any lands unless the Geological Survey decide that they are to protect navigation; in other words, it is a negative and not a positive provision.

Mr. BURTON. The list presented by the Geological Survey would create an eligible list of lands, would it not? Is not that the fact about it?

Mr. BRANDEGEE. Provided the commission agree with the Geological Survey.

Mr. BURTON. But, in the first place, their duty is to purchase lands, and an appropriation is made for that purpose; and, in the next place, the decision rests with this other body. Now, I want to ask the Senator from Connecticut another question.

Mr. BRANDEGEE. I should like, before the Senator propounds a second inquiry, to answer his first question.

Mr. BURTON. Very well.

Mr. BRANDEGEE. My point is that the bill and the section of it as read by the Senator from Ohio states that no lands shall be purchased unless the Geological Survey finds that they will aid navigation. It is a veto power given to make it doubly sure that this money will not be expended where it will not be of any use to navigation. Do I make myself plain to the Senator?

Mr. BURTON. The point is, does the Senator from Connecticut suppose that with an appropriation and an affirmative direction to buy lands, if a favorable report should be made by this commission, the Secretary of Agriculture would omit or refuse to purchase the lands, or that this board would omit or refuse to purchase the lands?

Mr. BRANDEGEE. They would be absolutely prohibited from purchasing if the Geological Survey said the lands were not adapted to preserve the navigability of streams.

Mr. BURTON. But if the Geological Survey stated they were adapted to promote or protect navigation, what then?

Mr. BRANDEGEE. That is the purpose of the bill. If the Geological Survey agree with all the others, which out of ample precaution was inserted in the bill, that such a purchase would aid navigation, then the Senator asks me if I think the board, which is ordered to buy lands under these circumstances, would buy them, and I say I do.

Mr. BURTON. May I ask the Senator from Connecticut another question?

Mr. BRANDEGEE. Certainly.

Mr. BURTON. Under the law as it now is the examinations with a view to the improvement of rivers are made by the Engineer Corps of the United States Army.

Mr. BRANDEGEE. I understand that.

Mr. BURTON. Is it not only probable, but practically certain, that these two organizations would be working at cross purposes, one saying that there was no need of this, and the other saying that the lands were needed, and that thus we would have confusion—not merely confusion, but conflict in the development of our inland waterways? Is it not true also that the engineers have with practically a unanimous voice said that the forestation of these places will not aid navigation?

Mr. BRANDEGEE. Mr. President, answering the first inquiry of the Senator from Ohio [Mr. BURTON], I would say this: No man can tell in advance what is the probability of disagreement among half a dozen other men who have not yet met upon the subject about which they are to consult. Judging from the disagreement that does exist among engineers about this thing now and among us about almost everything that comes up here, I should think it might be quite probable that this commission would disagree, and finally that they might reconcile their disagreements. If they did not, no money would come out of the Treasury and no damage would be done. If the project should so commend itself to them as that it should convince them that it ought to be done, I suppose the Senator from Ohio would consider it a calamity if that should occur and if anything effective was done. The Senator ought to rejoice at the prospect of a disagreement among them.

Mr. BURTON. Mr. President—

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. I do.

Mr. BURTON. The objection is not along that line, but it is the vicious method of administration which leaves to two bodies not working in harmony, but probably in conflict, the management of one branch of the public service.

Mr. BRANDEGEE. It is a question of opinion, Mr. President, whether it is vicious or not. There are a great many army engineers, and I suppose they disagree among themselves about various things. It does not follow because there is disagreement among the army engineers who recommend improvements that are to be carried on by the Government upon navigable rivers, that the Secretary of War will disagree with the other members of this commission. The Secretary of War will make up his own mind, after talking with his own engineers and any other engineers, or reading any literature, or hearing any arguments that he can get access to; and I have no doubt he will, certainly if he is an intelligent man, and I know that he is. I say—and that is the constitution of the commission—four out of the commission always being Members of Congress, two of the Senate and two of the other House, where they are subject to our own direction and control, and in close contact with us, where, if this bill is defective in any particular, they can advise us upon this floor and the floor of the other branch of Congress exactly wherein the friction may occur; but to defeat or to attempt to defeat or to prevent action upon a project which has been so universally demanded by so many different States, or which affects so many localities, upon an apprehension that this feature of the bill is not exactly what it ought to be, or that the other section of the bill is not drawn as the objector would like to have it drawn, seems to me to be taking more responsibility than I should like to assume upon a matter which is of such grave public importance as is this.

Mr. BURTON. Mr. President, the Senator from Connecticut [Mr. BRANDEGEE] has very kindly yielded to me several times.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. I do so again.

Mr. BURTON. Is it not true that, until a legal opinion was rendered by a committee of Congress to the effect that the only

constitutional warrant for the appropriation sought to be made in this bill was that it was in aid of navigation, the benefit rendered to navigation had hardly been mentioned among the reasons for the passage of the bill? Is it not true, further, that entirely different reasons were mentioned?

Mr. BRANDEGEE. Has the Senator from Ohio finished his question?

Mr. BURTON. I have.

Mr. BRANDEGEE. It is not true in any sense of the word, Mr. President. I know what the Senator refers to, and I will state it in a moment.

The bill as it was reported to the Senate at the last session did not on its face purport to be exclusively in the interest of navigation. The House committee, who had a similar bill before them, investigated the constitutional question of the right of this Government to spend money to buy forests simply for the purpose of owning forests, and reported adversely to it, and, in my opinion, correctly so; and the bill was amended so as to place it upon the ground of being in the aid of navigation and the protection of navigable streams.

In order to show that from the very first, from the inception of this policy, the advocates of it had navigation in mind, and very seriously so, I will cite the Senator to the instructions of Congress in the appropriation bill which was referred to in the report of the Secretary of Agriculture, which is printed in the Record, in which Congress instructed him to make the investigation upon which he founded his report for the very purpose of conserving the navigability of navigable streams both in the Appalachian and the White Mountains.

Every report that has been made by the committee of which I have the honor to be chairman, the Committee on Forest Reservations and the Protection of Game, both since I have been a member of it and before my time, goes deeply into the question of the effect of the forests upon the control of the water flow and the keeping of the silt and deposits out of the beds of rivers, to do which the Senator from Ohio has been instrumental in appropriating millions upon millions of dollars out of the Treasury of this Government during the last twenty years, and greatly to his credit.

In my opinion, if it is true that a porous, moist soil, protected and shaded by a forest, is less likely to wash down from the precipitous hillsides, where the soil is generally very scanty, and to clog the beds of the streams than a soil cracked and baked by the heat of the sun and pulverized, and then showered upon by a rain storm, then this bill is one of the greatest aids to navigation, and it will save the Government millions of money, for the principal expenditures on river and harbor improvements, unless I am mistaken, consist in dredging the silt that washes down and forms deltas and bars.

Mr. BURTON. I do not want to interrupt the Senator, but I would state that that is not the case. The money appropriated in the river and harbor bill is very largely spent for construction work—much more for construction than the mere cost of maintenance.

Mr. BRANDEGEE. But a very large portion of it must be used for maintenance, for I have seen it in operation.

Mr. BURTON. Perhaps an eighth or a tenth.

Mr. BRANDEGEE. What is the annual amount appropriated in the river and harbor bill?

Mr. BURTON. The average expenditure has been less than \$25,000,000, until the last two or three years. I would say that, so far as keeping the silt out of the rivers is concerned, the amounts appropriated in the river and harbor bills are largely for further construction, but probably a million or a million and a half may be devoted to maintenance in the same year or in two succeeding years.

Mr. BRANDEGEE. Of course the Senator's word about the figures is authority.

Mr. BURTON. I would state that it is almost impossible to sever that which is mere maintenance from that which is expended for securing additional depth. The figures that I give would not include the enlargement of the existing projects, but only the maintenance where silt flows in.

Mr. BRANDEGEE. I am reminded by that of the fact that the testimony before the House committee in the hearings which it had went at length into the filling up of the rivers of the country and the expense of keeping them clear. Of course, I can not read all this testimony to the Senate at this stage of the session, but I have examined it. There is one instance in my own State, and in the largest river in New England—the Connecticut River.

The superintendent of the New England Navigation Company, Mr. Goodrich, who has been for forty years on that river in the steamboat business, goes at length into the increase of dredging which has been required on that river in his comparatively

brief experience, and cites attention to the fact that in the last ten years a bar of silt and sand, whose composition discloses the fact that it comes from the granite hills of New Hampshire, has formed outside of the mouth of the Connecticut River and is increasing yearly. The Senator from Ohio will recall a very pleasant trip which we took together—at least it was pleasant to me—

Mr. BURTON. And to me, also.

Mr. BRANDEGEE. From Saybrook up to Hartford on the Connecticut River, in an ordinary light-house tender, during the summer season, when it was only necessary to look over the stern of the vessel to see that the bottom of the vessel was scraping on the soft mud. The Government was appropriating annually a sum of money to maintain a sufficient depth to get small steamers up that river to the capital city of my State. I have no doubt instances of that kind can be multiplied indefinitely.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nevada?

Mr. BRANDEGEE. Certainly.

Mr. NEWLANDS. I understand that the constitutional power on which the Senator bases this bill is that of the regulation of commerce?

Mr. BRANDEGEE. Certainly.

Mr. NEWLANDS. And his contention is that the forming of forest reserves and the purchase of them is justified in the interest of navigation? Now, I ask him whether the jurisdiction of a bill that pertains to the promotion of navigation and the promotion of commerce through navigation does not properly belong to the Committee on Commerce, instead of to the Committee on Forest Reservations and the Protection of Game?

I wish to make this inquiry also: I observe that this bill was in the first place referred to the Committee on Agriculture and Forestry, and that later on that reference was canceled, and the bill was referred to the Committee on Forest Reservations and the Protection of Game. I have always had the view—perhaps it may be a mistaken one—that whilst the Committee on Agriculture and Forestry was an active committee, the Committee on Forest Reservations and the Protection of Game was not regarded as an active committee; but one of the many committees appointed by the Senate with a view to providing chairmanships. I ask the Senator whether he thinks that the Senate ought to act upon a bill in the interest of navigation and commerce, which has not yet received the consideration of the committee which has jurisdiction over that subject?

I should like the Senator to answer the question, also, as to whether or not the Committee on Forest Reservations and the Protection of Game is a committee of such large experience in these matters and from tradition as to warrant referring to it the consideration of this important question?

Mr. BRANDEGEE. Mr. President, the Senator's remarks are very entertaining, and he has asked quite a number of questions during his little speech, but I had previously thought of everything he has suggested, and will be glad to answer his questions seriatim if I can remember them all.

Mr. NEWLANDS. I will say to the Senator—

Mr. BRANDEGEE. I remember the first question now.

Mr. NEWLANDS. Why was the reference of the bill to the Committee on Agriculture and Forestry canceled?

Mr. BRANDEGEE. If I had the slightest idea that the Senator was going to restate all his questions I would not have made the suggestion I did.

Mr. NEWLANDS. I understood the Senator to say that he did not recall my questions.

Mr. BRANDEGEE. I said I did recall the first one. I want to get clear on that, and then I will let the Senator remind me of the others if I forget them. The first question was as to whether or not I think—it was a matter of personal opinion, and I have no doubt that my opinion will have great weight with the Senator—that the Committee on Commerce should not have had jurisdiction of this bill instead of the Committee on Forest Reservations and the Protection of Game, which he has complimented me by saying is an exceedingly inactive committee and of no consequence whatever. I am hoping to get a better one at the next session.

The bill was introduced by the Senator from New Hampshire [Mr. GALLINGER] and was referred to the Committee on Agriculture and Forestry, of which the distinguished senior Senator from Iowa [Mr. DOLLIVER] is chairman. One day I read in one of the influential public prints of New England that I was inactive and indifferent to the bill, and that it was—

Mr. NEWLANDS. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nevada?

Mr. BRANDEGEE. I yield.

Mr. NEWLANDS. I would suggest the absence of a quorum. This is a very important question.

Mr. BRANDEGEE. I can not yield for that purpose, Mr. President, unless the Senator already was in a position to make the suggestion.

The PRESIDING OFFICER. The Chair would rule that the absence of a quorum has been suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Flint	Overman
Bankhead	Clay	Frazier	Page
Bradley	Crane	Gallinger	Paynter
Brandegee	Cullom	Gamble	Piles
Briggs	Cummins	Guggenheim	Purcell
Bulkeley	Curtis	Heyburn	Scott
Burkett	Depew	Jones	Simmons
Burnham	Dick	Kean	Smith, Md.
Burrows	du Pont	Lodge	Stone
Burton	Elkins	Newlands	Warner
Chamberlain	Fletcher	Oliver	Wetmore

Mr. PAGE. I wish to announce that my colleague [Mr. DILLINGHAM] is unavoidably detained by illness from the Chamber.

The PRESIDING OFFICER. Forty-four Senators have answered to their names.

Mr. GALLINGER. I move that the Sergeant-at-Arms be directed to request the presence of absent Senators.

Mr. BROWN and Mr. SHIVELY appeared and answered to their names.

Mr. NEWLANDS. Mr. President, I wish simply to observe—

Mr. KEAN. Mr. President, nothing is in order—

The PRESIDING OFFICER. The Senator from Nevada is out of order.

Mr. JOHNSTON and Mr. OWEN appeared in the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I do.

Mr. GALLINGER. The Senator from Ohio [Mr. BURTON] raised the question whether or not an effort had been made to pass a bill for the purchase of these lands without any reference to the navigability of the streams, as I remember it.

Mr. BURTON. The point I made was that there was not the idea that navigation was absolutely and entirely absent, but was merely incidental.

Mr. GALLINGER. I want to show, and I will do it in a very few words, that those of us who are interested in the matter had that in view from the very beginning.

On the 17th day of December, 1903, I introduced a bill on this subject, and I am not sure but that I introduced one previous to that time. It did not recite, as the present bill does, the importance of the preservation of these forests in the interest of navigation, but that the authors of the bill had that in view is unquestioned, and it is demonstrated by the report that my colleague made on that bill, which is a very illuminating report. He discussed that question, and I think he consulted me about it, as I was the author of the bill, and he called attention to the fact that there are five very important rivers—the Connecticut, the Merrimac, the Androscoggin, the Saco, and the Piscataqua—and then there are other smaller rivers.

My colleague in his report, made on the 14th day of December, 1904, says on that subject:

All of these five rivers are of value for purposes of navigation, and the agricultural industries along their banks are of no minor importance.

In another part of the report my colleague says:

The forests of the White Mountains, as has been shown, have a direct effect upon the water power of five of the New England States. Their preservation by federal action as a matter of far-sighted economy would be justifiable on this ground alone.

I will not read anything further, Mr. President, but I quote those two paragraphs from the report of my colleague to show that those of us who were interested in the matter as far back as 1903 had in view not only the preservation of the mountain slopes, so far as the forests are concerned, but that we had in view the fact all along that the destruction of the forests, which, I think, is admitted by all scientists, has a direct tendency to lessen the water flow and to obstruct streams that otherwise might be used for navigation.

Mr. BRANDEGEE. I will ask the Senator from New Hampshire if he will kindly refer to the report by its number, so that it be convenient for reference in the RECORD.

Mr. GALLINGER. It is Report No. 2742, Fifty-eighth Congress, third session.

Mr. BRANDEGEE. Replying to the inquiry of the Senator from Nevada [Mr. NEWLANDS], this bill was presented by the Senator from New Hampshire [Mr. GALLINGER], was referred to the Committee on Agriculture and Forestry, and one day I saw in one of the newspapers of New England a criticism of the Committee on Forest Reservations and the Protection of Game for their inactivity in not reporting this bill out, whereupon I went to the Senator from New Hampshire and asked him if he had intended it to go to the Committee on Agriculture and Forestry. I told him that previously the Committee on Forest Reservations and the Protection of Game had jurisdiction of those matters and had reported other bills in prior Congresses, and I thought it would be just as well for us to take this bill, to which he at once agreed; whereupon I went to the senior Senator from Iowa [Mr. DOLLIVER], called his attention to the fact that the bill was before his committee, and asked him if he had any objection to reporting it back to the Senate, and asking that it be sent to the Committee on Forest Reservations and the Protection of Game. He said he had none; that he had not known that the bill was before his committee.

After I had looked the bill over, after its reference to my committee, and saw that it pertained to the navigability of navigable streams and was not a pure bill for the acquirement of forests for their own sake, it occurred to me that it might quite appropriately have been referred to the Committee on Commerce. But inasmuch as previous matters of this kind had been in my committee and I wanted to get an early report on it, I did not report it back and make any recommendation.

As to the propriety of the reference, that is always determined by the Chair and the Senate, and if the Senate has incorrectly referred the bill, I regret it, but it does not detract from the bill at all. The bill speaks for itself, and the question is, Are the terms of the bill proper? It is now certainly properly before the Senate on the Senate's own action. The Senate having voted to proceed to its consideration, it is now before the Senate.

There is nothing sectional about this bill, and it is not, in its terms, designed to benefit any particular part of the country. Other bills of this nature have contained provisions that so much was appropriated to acquire lands in the White Mountains and in the Appalachian Mountains. This bill contains no reference to any mountains. Under it, whatever money is spent, if any money ever is spent, will be spent in such parts of the country and upon such projects as the forest reservation commission itself may determine. It is perfectly possible under the terms of the bill to go to Minnesota and buy lands at the watersheds of a navigable river.

Of course this bill is the outgrowth of the particular agitation for forest reserves in the White Mountains and in the Southern Appalachians, and my expectation is, and I have no doubt the result will justify it, that at first the money will be spent, or some of it, in those sections where it is most needed for the purposes of the bill, and if the experiment does not work, as I say, if the whole amount of money should be spent, it is only \$10,000,000, and that is distributed over a period of five years, to be spent anywhere.

In making these appropriations for public purposes, especially purposes connected with interstate-commerce navigation, there certainly ought to be no sectional feeling nor any desire upon the part of one section of the country to do anything that would look like grabbing more than its share, or developing its great waterways exclusively, and leaving other parts of the country undeveloped. I think Congress can be relied upon to be fair about such matters. Certainly an instance of that was given the other day here on the floor, when on a roll call of the Senate, which I shall not read, but which I ask unanimous consent to insert in the RECORD as a part of my remarks, \$30,000,000 was authorized to be paid out of the Treasury, or at least obligations issued for it in the nature of certificates, for the Reclamation Service out in the arid lands in the West, which is of no benefit or use whatever to the East, South, or Middle States, except such incidental benefit as comes to us by the prosperity of every part of the country.

The PRESIDING OFFICER. Without objection, the matter requested by the Senator from Connecticut will be inserted in the RECORD.

The matter referred to is as follows:

Sec. — That to enable the Secretary of the Interior to complete government reclamation projects heretofore begun, the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior, to transfer from time to time to the credit of the reclamation fund, created by the act 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, such sum or sums, not exceeding in the aggregate \$30,000,000, as the Secretary of the Interior may deem necessary to complete the said reclamation projects, and such extensions thereof as he may deem proper and necessary to the successful and profitable

operation and maintenance thereof or to protect water rights claimed by the United States; and such sum or sums as may be required to comply with the foregoing authority are hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the sums hereby authorized to be transferred to the reclamation fund shall be so transferred only as such sums shall be actually needed to meet payments for work performed under existing law.

Sec. — That for the purpose of providing the Treasury with funds for such advances to the reclamation fund, the Secretary of the Treasury is authorized to issue certificates of indebtedness of the United States in such form as he may prescribe and in denominations of \$50 or multiples of that sum; said certificates to be redeemable at the option of the United States at any time after three years from the date of their issue and to be payable five years after such date, and to bear interest, payable semiannually, at not exceeding 3 per cent per annum; the principal and interest to be payable in gold coin of the United States. The certificates of indebtedness herein authorized may be disposed of by the Secretary of the Treasury at not less than par, under such rules and regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed and the aggregate issue of such certificates shall not exceed the amount of all advances made to said reclamation fund, and in no event shall the same exceed the sum of \$30,000,000. The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under state, municipal, or local authority; and a sum not exceeding one-tenth of 1 per cent of the amount of the certificates of indebtedness issued under this act is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Sec. — That beginning five years after the date of the first advance to the reclamation fund under this act, 50 per cent of the annual receipts of the reclamation fund shall be paid into the general fund of the Treasury of the United States, until payment so made shall equal the aggregate amount of advances made by the Treasury to said reclamation fund, together with interest paid on the certificates of indebtedness issued under this act and any expense incident to preparing, advertising, and issuing the same.

Sec. — That all moneys placed to the credit of the reclamation fund, in pursuance of this act, shall be devoted exclusively to the completion of work on reclamation projects heretofore begun as hereinbefore provided, and the same shall be included with all other expenses in future estimates of construction, operation, or maintenance, and hereafter no irrigation project contemplated by said act of June 17, 1902, shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States.

The result was announced—yeas 57, nays 3, as follows:

YEAS—57.			
Beveridge	Crane	Hughes	Piles
Borah	Crawford	Johnston	Purcell
Bourne	Cullom	Jones	Shively
Bradley	Cummings	Lodge	Smith, Md.
Brandeggee	Curtis	McEnergy	Smith, S. C.
Briggs	Depew	Money	Smoot
Bristow	Dick	Nelson	Stephenson
Brown	Dixon	Newlands	Stone
Bulkeley	Dolliver	Nixon	Taylor
Burkett	Flint	Oliver	Warner
Burnham	Frye	Overman	Warren
Carter	Gamble	Owen	Wetmore
Clapp	Gore	Page	
Clark, Wyo.	Guggenheim	Percy	
Clay	Heyburn	Perkins	
NAYS—3.			
Burton	Gallinger	Kean	
NOT VOTING—32.			
Aldrich	Daniel	Hale	Richardson
Bacon	Davis	La Follette	Root
Bailey	Dillingham	Lorimer	Scott
Bankhead	du Pont	McCumber	Simmons
Burrows	Elkins	Martin	Smith, Mich.
Chamberlain	Fletcher	Paynter	Sutherland
Clarke, Ark.	Foster	Penrose	Talliaferro
Culberson	Frazier	Rayner	Tillman

So Mr. CARTER's amendment was agreed to.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BRANDEGEE. Yes.

Mr. JONES. I do not mean to indicate that I am opposed to the Senator's bill, but I desire to suggest—and I hope it will not be overlooked, as it seems to me it is overlooked by a great many people and by the press—that this money appropriated for the irrigation and reclamation of arid lands must be repaid to the Government.

Mr. BRANDEGEE. Oh, certainly; I do not consider that it is a gift. If these projects are successful, it ultimately will be returned, just as when we appropriate for a world's fair and take a mortgage on the gate receipts. If the fair is a success, we get our money back.

Mr. JONES. We have never received much back from world's fairs.

Mr. BRANDEGEE. I do not think we have got as much back as we ought to, and I am not a very enthusiastic advocate of them, either. I say that every Senator who voted upon that \$30,000,000 project, except three, voted in favor of it. There were only three votes against the proposition.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. Yes.

Mr. GALLINGER. The Senator will recall the fact that at a more recent day we passed, without a dissenting vote, a bill appropriating \$20,000,000.

Mr. KEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Jersey?

Mr. BRANDEGEE. Yes.

Mr. KEAN. The reason one Senator voted against the \$30,000,000 appropriation was because he did not care to vote for it in that bill. It had already passed the Senate.

Mr. BRANDEGEE. The support, I will not say of this particular bill, but the support of this character of legislation and this general proposition, is as broadly diversified over the whole country as that of any proposition within my legislative experience. The bill seems to me to contain all the necessary safeguards, and if we are to enter at all upon the policy of trying to make our rivers better, and having the other incidental advantages that are afforded to the country by keeping some forests left in New England and some forests in the Appalachians, I do not see how we can do it in a more properly framed bill or upon a more modest, I should say almost meager, appropriation.

Mr. BURTON. In that connection—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BURTON. The Senator will pardon me if I break in upon the line of his argument?

Mr. BRANDEGEE. I am not disturbed at all. I do not regard these as interruptions. I am very glad to have the Senator make any suggestions at any time.

Mr. BURTON. How many acres does the Senator from Connecticut anticipate will ultimately be purchased under the policy sanctioned by this bill?

Mr. BRANDEGEE. Of course that is entirely a matter of conjecture. You might just as well ask me how many acres of land I thought you could buy around the Capitol here for \$50,000. I do not know whether these lands are for sale or not. I do not know who owns them. I do not care. They can not be bought, under the terms of the bill, except at such prices as are approved by the people to whom we intrust the authority.

I understand that lands in the Southern Appalachian Range could have been bought five or six years ago—and it shows certainly the foolishness of delaying a project; if it is a good project, it ought to be carried through promptly—for two or three dollars an acre, and now, I believe, it has gone up to five or six dollars—and more in certain cases.

I assume from the knowledge I have acquired from the hearings, the testimony of foresters and men of that kind who are familiar with the business, that there will be no attempt under this bill to acquire lands that have valuable merchantable timber growing upon them. On the contrary, the idea would be to buy the lands which are known as cut-over lands, with second growth and scrub coming up, with the idea of preserving them, they being so much cheaper, and the money would go so much further and buy so much more land, which in time would have proper forests on them, and be nurtured and protected from fire and generally conserved by the federal officials in connection with the state officials.

There is another feature of this bill.

Mr. BURTON rose.

Mr. BRANDEGEE. I will be just as brief as I can.

Mr. BURTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. Certainly.

Mr. BURTON. In this connection I should like to ask the Senator from Connecticut if it is not true that the report of the Secretary of Agriculture is to the effect that for the protection or maintenance of the watersheds 75,000,000 acres would be necessary?

Mr. BRANDEGEE. The Senator has the figures before him. I have read them, but I do not carry them in my head. But supposing it was; that is his idea, if he can do the whole thing and do it perfectly. Of course I do not intend and would not advocate a bill to embark this Government in an enterprise that looked to some vast expenditure of two or three hundred million dollars, or something of that kind. That is not the intention at all, although European countries have spent enormous amounts in trying to reforest and carry back soil to the top of mountains from which it had been washed away after the forests had been destroyed. They have spent enormous amounts. I would not now advocate, on a thing the Senator from Ohio and others are rather sceptical about, the expenditure of any

great sum; but I do think that this is a moderate sum, and I am not sure that any of it will ever be spent or that a dollar will ever come out of the Treasury under the provisions of this bill. If it is true that army engineers think that there is no relation whatever, except of the very slightest, between the forests and the watersheds of navigable streams and the flow of the water in those streams, they are very likely to persuade the Secretary of War to that effect. It is a question to be investigated, and this sum is appropriated conditionally, at the rate of \$2,000,000 a year, and they can experiment to some extent with it.

If they buy some land for \$2,000,000 in a restricted area, where there is some typical stream that is a small one, where they can purchase the whole forest shed, and at the end of a year or two they are in a condition by that experiment to demonstrate the truth of the theory we are advocating, then they can go on and expend the rest that is appropriated in the bill; and if they do not, they need not spend any more at all. Congress can repeal this act any time it has a mind or can amend it.

Mr. BURTON. For the sake of accuracy I should like to interrupt the Senator from Connecticut further in order to read—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. Yes.

Mr. BURTON. This is what is said in the report of the Secretary of Agriculture:

There are probably 75,000,000 acres in this mountain system more important for timber production than for any other purpose. This area will have to be given protection before the hard-wood supply is on a safe footing and before the watersheds of the important streams are adequately safeguarded.

As I understand the Senator from Connecticut, the commission appointed under this bill can make purchases anywhere, at the headwaters of rivers even in Minnesota, where there are no mountains; but it is anticipated that the Appalachian region is where the purchases will be made.

Mr. BRANDEGEE. And the White Mountain region.

Mr. BURTON. Now, suppose that even the sum carried in this bill were expended, would it not be true that the sole result of the purchase would be to obtain detached stretches here and there on those watersheds, and that it would not at all accomplish the purpose aimed at in this bill?

Is it not further true that after having purchased several millions of acres there is every probability that the demand would be irresistible that Congress should go on and finish the plan contemplated in this recommendation?

First, if you merely purchase portions here and there, without covering any watersheds, without having any completed area, will it do any good? And when you have done that, under the provisions of this bill, is it not likely, at least, that the demand will be insistent that we go on and purchase the whole 75,000,000 acres?

Mr. BRANDEGEE. I do not object to questions at any time, but the Senator has a well-developed argument in his head, which he intends to make at considerable length, I understand, in his own time, and I dislike to see him destroy the continuity of his own argument by giving away all his ammunition before he gets to it.

Of course the questions propounded by the Senator are suggested about every bill that proposes to do anything new or enter upon a new policy, and they suggest themselves to the mind of any person who is seeking to criticise a bill—to predict vague and unknown dangers that are going to arise from it; that the American people have gone crazy, as it is said, over the question of conservation, and that the minute they have tasted of this ten millions there will be an irresistible stampede and raid upon the Treasury for untold millions more. I think the American people are pretty sane, and I know Congress is; and I do not think it is any evidence of insanity to start with a mild experiment like this, which, if the apprehensions of the Senator are true, will be a horrible example and warning which will absolutely defeat any further expenditure of money for this purpose.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. I yield.

Mr. STONE. I desire to offer an amendment.

Mr. BRANDEGEE. As to the sanity of Congress?

The PRESIDING OFFICER. Does the Senator from Connecticut yield for that purpose?

Mr. STONE. I think such an amendment would come from some of our constituents. I desire to offer an amendment to this bill, if the Senator will permit me.

Mr. BRANDEGEE. Does the Senator mean that he desires to do it now? Does he desire me to yield that he may offer the amendment?

Mr. STONE. I will not press it now unless it is agreeable to the Senator.

Mr. BRANDEGEE. It is perfectly agreeable to me. I was trying to get the Senator's intention.

Mr. STONE. If it is agreeable to the Senator, I should like to offer it now.

Mr. BRANDEGEE. It is perfectly agreeable.

Mr. BURTON. There are one or two other questions which I should like to propound.

Mr. BRANDEGEE. I do not intend to leave the floor, I will say to the Senator from Ohio, and he will have a chance.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to add as a new section, to be known as section 16, the following:

That the Secretary of Agriculture be, and hereby is, directed to investigate and report to Congress upon the probable cost and feasibility of the drainage of swamp and other wet lands in Missouri, Arkansas, and Louisiana, and to prepare and submit plans for the removal of surplus waters by drainage, and plans for the necessary improvement of streams in connection therewith. For the purpose of defraying the cost of this investigation, and the cost of preparing and illustrating reports and bulletins on drainage, including the employment of consulting engineers, rent, and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, there is hereby appropriated the sum of \$150,000: *Provided*, That nothing in this section shall be taken or construed as committing or in any way obligating the United States to undertake any work or incur any expense for the actual drainage of any lands in the States named in this section.

Mr. BRANDEGEE. Of course, I suppose that is to be offered in conjunction with the proposed commission of the Senator from Nevada and the good-roads commission of the Senator from Alabama as being germane to the bill.

Mr. BURTON. I have raised a point of order on that amendment once, and I will have to do it again. That peripatetic amendment has been traveling around the Capitol at both the House and Senate end like a lone wanderer and at last has come here. It would make this bill rather incongruous. It would be a singular mixture of wet and dry. The original bill looks toward creating more water or making it available. This amendment contemplates getting rid of some that we already have.

Mr. STONE. What is the point of order?

Mr. BURTON. That the amendment is not germane to the bill.

Mr. BRANDEGEE. I understand the amendment is not now offered for consideration.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. Of course, I have not yielded to have the amendment formally submitted. I yielded to the Senator to propose his amendment, to be offered at the proper time.

Mr. STONE. Very well.

Mr. BRANDEGEE. I suppose I could be kept as long discussing this matter as the Senator from Ohio would like to ask me questions for the purpose of making the probability of the passage of this bill at the present session more remote. But I do not intend to continue to do that which he can do so much better himself for himself, and I have said all I care to say about the bill at the present time.

The report of the committee, on its first page, contains a brief synopsis of each section of the bill, and if any Senator has any curiosity to know what the bill contains, he can ascertain it in three minutes, if he takes interest enough in it to read the first page of the committee report.

Mr. President, I yield the floor.

Mr. BURTON. There are just one or two more questions I should like to ask the Senator from Connecticut. The Senator from Connecticut is altogether too modest. His superior knowledge of the measure made it seem desirable to me—

Mr. BRANDEGEE. I have yielded the floor, so far as my remarks are concerned, but I shall remain on the floor to answer any question that the Senator from Ohio may desire to ask.

Mr. BURTON. His superior knowledge of the measure seemed to me to make it desirable that he should give the Senate the benefit of answers to certain inquiries which I regard as pertinent to the issue.

As I understand, there is no provision in this bill authorizing the condemnation of any land. Everything that would be acquired would have to be by voluntary purchase and sale.

Mr. NEWLANDS. Mr. President, at the proper time I will offer what I send to the desk as a substitute for this bill, and I will ask that it be read.

The PRESIDING OFFICER. One amendment is pending. Does the Senator desire to have the substitute read?

Mr. NEWLANDS. I do.

The PRESIDING OFFICER. It will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to appoint, by and with the consent of the Senate, a commission to serve without salary, not to exceed fifteen in number, and to organize the same for the investigation of all questions relating to the conservation, development, use, and control of the natural resources of the United States in lands, waters, mines, and forests.

That such commission shall cooperate with commissions or boards appointed by the respective States for similar purposes, with a view to recommending suitable action relating to the conservation of the natural resources of the United States by Congress within the limits of and coextensive with national jurisdiction of the subject and complementary thereto by the legislatures of the several States within the limits of and coextensive with their jurisdiction.

That such commission shall be known as the national conservation commission.

That such commission shall make to the President annually, and at such other periods as may be required either by law or by the order of the President, full and complete reports of all their acts, doings, recommendations, and expenditures, which reports shall be by the President transmitted to the Congress.

That the President shall cause to be provided for the use of such commission and its employees under this act such offices in the District of Columbia and elsewhere, and such equipment, as may be necessary for the proper discharge of its duties.

That in order to carry out the purposes of such commission there is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, the sum of \$30,000, to be expended under the direction of the President.

That the President is authorized to bring into coordination with such commission the various bureaus and services of the Government that relate to the investigation or control of any of the subjects embraced in such natural resources.

That the Attorney-General of the United States shall ex officio be a member of such commission.

Mr. NEWLANDS. At the proper time I shall offer that as a substitute for the pending bill.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clay	Gore	Piles
Bankhead	Crane	Guggenheim	Purcell
Borah	Crawford	Heyburn	Scott
Brandegee	Cullom	Hughes	Shively
Briggs	Cummins	Jones	Simmons
Brown	Depew	Kean	Smith, Md.
Bulkeley	Dick	Lodge	Smoot
Burkett	Dolliver	McEnery	Stone
Burnham	Elkins	Newlands	Sutherland
Burrows	Fletcher	Oliver	Warner
Burton	Flint	Overman	Warren
Carter	Frazier	Owen	Wetmore
Chamberlain	Gallinger	Page	
Clark, Wyo.	Gamble	Paynter	

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present.

Mr. NEWLANDS. Mr. President, at the proper time I shall offer the bill which has just been read as a substitute for the pending bill. The amendment which has been read is substantially a bill which was reported recently by the Committee on the Conservation of National Resources, and it is intended to reach every phase of the conservation question by the appointment of a commission of fifteen by the President, who will investigate all questions relating to the conservation, development, use, and control of the natural resources of the country in lands, waters, mines, and forests.

It is with great regret that I rise to differ with my friend from Connecticut as to the pending bill. I wish to say at the outset that I have no hostility whatever to the acquisition of such lands in the White Mountains and in the Appalachian Mountains as are necessary to preserve the forests as the sources of navigable streams. On the contrary, I favor such legislation. I yield to no one in advocacy of the full power of the United States regarding this matter. The control of Congress over interstate and foreign commerce gives the National Government the control of navigation. I believe that the National Government can, under that power, exercise control not only of the navigable portions of the streams themselves, but over the sources of those streams, the remotest springs and watersheds, so far as is necessary to protect and regulate navigation itself.

I have not been insensible to the fact that the destruction of the forests in the White Mountains and in the Appalachians has affected the navigability of the streams taking their sources

in those mountains; that the result of the destruction of the forests has been the erosion of the soils; that the waste soil swept into the rivers obstructs commerce; that by these operations gradually soil is being transferred from the mountains to the beds of the rivers and even to the oceans, and that there it is being accumulated in vast areas of swamp lands which will at some time demand the attention of the Nation in this great scheme of the conservation of our natural resources.

I may say further that we of the West are not unmindful of the broad and liberal spirit which the representatives of the Eastern and the Southern States have shown western interests. They joined with us in the adoption of the reclamation act, which has been of great benefit to that region and which promises to be of more. It is true that that is a method of developing the lands belonging to the Nation and preparing them for settlement, and that ultimately the settlers will return to the Government every dollar expended in their development; but it is to the credit of the representatives of the East and of the South that they have been able to take a large view of the requirements of the West and to join us in most liberal legislation upon this subject.

As a mere matter of reciprocity I dislike to oppose any measure regarding the conservation of natural resources which is favored by any section of the country. I would not do it if I thought it would permanently postpone the consideration of this important question. But I believe that postponement will result in presenting the whole question before the country upon such a broad and liberal scale as will result in an advantage to those who are now pressing this bill that will not be realized under it.

I am opposed to fragmentary legislation, to accidental legislation, upon matters of great constructive work. This is one of the phases of the great constructive work involved in the perfection of our transportation system by utilizing our rivers fully in aid of our railroads in advancing the commerce of the country.

We can have no excuse for this legislation under the Constitution unless the legislation directly tends to that end, and we will make a mistake if under the disguise of legislation intended to promote navigation and commerce we simply enter upon projects, however desirable, which affect particular communities and sections and which do not come within the constitutional power of the Government itself.

Mr. President, have we as yet really and seriously determined that we are going to enter upon the development of the water transportation of the country? We have adopted the development of our harbors as matters involving foreign commerce, and, to a limited degree, interstate commerce. We have been working in a feeble and inconsequential way at the development of our rivers, and we have expended large sums of money, as yet substantially without result; but we have not really accomplished anything material in the line of the development of waterway transportation in this country. Until we are convinced that water transportation is desirable and feasible, and until we are determined to enter upon it with vigor under broad and comprehensive plans formed by experts in engineering, experts in transportation, experts in construction, it is unwise, in my judgment, to enter upon fragmentary portions of this great work.

Mr. President, the public mind, in my judgment, is made up upon this question. Public opinion has advanced far beyond the action of Congress itself, but as yet Congress has acted in a lame and halting fashion, largely because the majority of both bodies of Congress are not yet convinced of the practicability and feasibility of river transportation, for I assume that if they were convinced we would by this time have had an efficient organization for waterway transportation as an accomplished fact. Thus far we have utilized only the engineering officers of the army in this work, who, while experts in engineering problems, are not necessarily experts in transportation problems and in traffic problems and in all the problems that relate to interstate and foreign commerce; and we have limited their powers.

Congress seems to have been so fearful lest it should be drawn into some improvident scheme for a large expenditure of money that it has put the Engineer Corps of the Army itself in chains, and has forbidden it by positive statutory enactment to go beyond an inquiry into the particular project which may be submitted to its investigation. So at no time have they been able to take up the question of transportation as a whole, involving the entire country, but their eyes have been fastened by Congress upon the individual projects here and there, some of them perhaps related to each other, but most of them not.

Mr. BURTON. I ask the Senator from Nevada if he would favor giving to the engineers of the United States Army the right, on their own initiative, to survey out and present to

Congress projects for improvement, although not asked by Congress?

Mr. NEWLANDS. I would favor it; but I would enlarge the organization for that work by giving the President power to appoint in connection with them the greatest engineers and the greatest constructors and the greatest transportation experts in the country as collaborators in the work, or, at all events, as an advisory commission. I would not wish to trust to them alone, because I do not think their experience and their training, great as it has been and satisfactory as it has been in engineering problems, is such as to enable them to plan fully and consecutively a great waterway transportation system for the country. At all events, whatever may be their capacity and experience, I believe that every available aid that expert knowledge affords should be utilized at the start in the formation of comprehensive plans which can be gradually worked out.

Mr. President, the party platforms have been very explicit upon this subject, the Democratic platform very much more so than the Republican. I will ask the Secretary to read the Republican platform on page 147 and the Democratic platform on page 164.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read from the Republican platform of 1908, as follows:

CONSERVATION OF FORESTS.

We indorse the movement inaugurated by the administration for the conservation of the natural resources. We approve of measures to prevent the waste of timber. We commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of the free distribution of the available areas of the public domain to the landless settler. No obligation of the future is more insistent and none will result in greater blessings to posterity. In the line of this splendid undertaking is the future duty, equally imperative, to enter upon a systematic improvement upon a large and comprehensive plan, just to all persons of the country, of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of benign Providence.

The Secretary read from the Democratic platform of 1908, as follows:

NATURAL RESOURCES.

We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain of homeseekers, the protection of the national resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation and every other useful purpose, including the irrigation of arid lands, the reclamation of swamp lands, the clarification of streams, the development of water power, and the preservation of electric power generated by this natural force from the control of monopoly; and to such end we urge the exercise of all powers, national, state, and municipal, both separately and in cooperation.

We insist upon a policy of administration of our forest reserves which shall relieve it of the abuses which have arisen thereunder, and which shall, as far as practicable, conform to the police regulations of the several States wherein the reserves are located, which shall enable homesteaders as of right to occupy and acquire title to all portions thereof which are especially adapted to agriculture and which shall furnish a system of timber sales available as well to the private citizen as to the large manufacturer and consumer.

Mr. NEWLANDS. I would also ask the Secretary to read from the Democratic platform upon the subject of waterways.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

WATERWAYS.

Water furnishes the cheaper means of transportations, and the National Government, having the control of navigable waters, should improve them to their fullest capacity. We earnestly favor the immediate adoption of a liberal and comprehensive plan for improving every water course in the Union which is justified by the needs of commerce; and, to secure that end, we favor, when practicable, the connection of the Great Lakes with the navigable rivers, and with the Gulf through the Mississippi River, and the navigable rivers with each other by artificial canals, with a view of perfecting a system of inland waterways to be navigated by vessels of standard draft.

We favor the coordination of the various services of the Government connected with waterways in one service for the purpose of aiding in the completion of such a system of inland waterways; and we favor the creation of a fund ample for continuous work, which shall be conducted under the direction of a commission of experts to be authorized by law.

Mr. NEWLANDS. Mr. President, both the parties have spoken upon this subject in very unequivocal terms. The Democratic party has been clear and explicit. That party demands broad and comprehensive plans, that will take up navigation and all the related uses of water, and bring about the development of our waterways through the exercise of all the powers within the jurisdiction of the Nation and of all the powers within the jurisdiction of the States.

Whilst the Republican platform is not so explicit, it makes as strong a demand by reference to the movement inaugurated

by the administration, and that was the administration of Mr. Roosevelt. It declares:

We indorse the movement inaugurated by the administration for the conservation of natural resources.

Now what was the movement inaugurated by Mr. Roosevelt? A movement which the Republican party in convention indorsed, a movement against which a Republican majority in the Senate and House has set its face, with the resolute determination to delay and defeat it.

Mr. Roosevelt in the first place appointed an Inland Waterways Commission, upon which he requested two members of the Senate and two Members of the House of Representatives to serve, the other members being the then Chief Forester, Mr. Pinchot; the then Chief Engineer of the Army, General MacKenzie; the Chief of the Reclamation Service, Mr. Newell; the Chief of the Soils Service in the Agricultural Department, Doctor McGee, and the Chief of the Bureau of Corporations, Mr. Herbert Knox Smith. The President requested the members of that commission, under his power of recommendation, to investigate the whole question of the development of the waterways of the country and to make their report to him in order that he might, if he approved it, make recommendations to Congress upon the subject.

That commission met. It visited the Great Lakes; it sailed down the Mississippi River. A portion of the members of the commission visited the arid region, the Pacific coast, and the Atlantic coast region. They made an elaborate report to the President of the United States, which he in turn submitted to Congress—I shall ask the Secretary later on to read portions of that report—in which a declaration is made substantially on the lines of the Democratic platform, which has already been read.

That commission in its labors became impressed with the vast importance of the work, and became impressed with the fact that the study of the United States should extend, not simply to the waterways, but to all the natural resources of the country; that all these natural resources were so related to each other that it would be impossible to form broad and comprehensive plans relating to any one of those resources that did not involve the consideration and the dovetailing and the development of the others. So it recommended to the President, in a preliminary report before their final report, that a national conservation convention should be held at Washington upon the invitation of the President himself. The President of the United States called together what was known as the conference of governors, a conference in which, I think, over two-thirds of the governors of the States participated, and in which a number of distinguished citizens, invited by the President, also participated. That convention of governors organized a committee composed of governors, and took under consideration the report of the Inland Waterways Commission, and the recommendations of the President. After making a thorough review of the natural resources of the country in land, water, mines, and forests, and calling attention to the necessity for their full development and the necessity for the prevention of waste, they practically indorsed the recommendations which had been made by the Inland Waterways Commission.

They went beyond that, and urged the cooperation of the States with the Nation in this great work, that all these sovereigns should work together, each within its jurisdiction, toward a common purpose. Under their recommendations thirty-five state commissions, if my memory is correct, were organized by the action of the executives or by the state legislatures. Those commissions were authorized to cooperate with each other and with a national conservation commission, to be organized under the authority of the National Government.

Meanwhile the President, supplementing this work regarding the Waterways Commission, called together a national conservation commission, divided into four sections, relating to lands, waterways, minerals, and forests, respectively. That commission, composed of some of the most distinguished men in the land, met at Washington, and for two weeks sat in session, during which time the most elaborate scientific papers were presented to it by men of distinction in the government service and out of the government service. That commission framed resolutions substantially in line with the action of the Inland Waterways Commission and substantially in line with the action of the governors' conference.

Mr. President, what action did Congress take upon this subject, this movement, which, according to the terms of the Republican platform, had been inaugurated by President Roosevelt, a movement inaugurated by a Republican administration, in which the party as a whole took great pride? Was the action of Congress enthusiastic? Did the Congress rush to the support of the President? Did it indorse this movement, inau-

gurated according to the terms of its own platform by a Republican President? Oh, no.

Whilst the governors' conference was in session, the President, in making before it a notable speech upon this subject, referred to his desire that the Inland Waterways Commission, which he, under his constitutional power of recommendation, had organized simply as advisory to himself, should be made a statutory commission by Congress. He alluded to the fact that he had made repeated requests to Congress that this recommendation should ripen into legislation, and then, in a side remark—a facetious side remark not in the manuscript which he was reading—he declared that if Congress did not act he would see how far the Executive could go in the matter; a remark which was received with tumultuous applause by this conference of governors, showing how thoroughly in sympathy they were with the tempestuous activity and energy of that man, that remarkable man, whether within or without the strict limitations of the law. Congress regarded that as an insult to itself.

I had been urging before the Committee on Commerce, of which I was a member, a bill making this Inland Waterways Commission a statutory commission. The bill contained large powers for the President of the United States to organize, not an advisory commission, not simply a commission composed partly of legislators and partly of citizens of distinction upon the outside, but a working commission like the Panama Canal Commission, with full power to make plans—large and comprehensive plans—relating to this subject, and with full power to bring about cooperation between the Nation and the States in the development of our waterways.

My bill had received the approval of a subcommittee and of Mr. Taft, the then Secretary of War, and was pending before the full committee with fair chances for adoption, but as soon as this facetious remark of President Roosevelt was announced, the fate of that bill was sealed in that committee and in Congress. A modified bill, which I induced the Commerce Committee to permit me to report, a smaller bill, and with limited powers to the commission, was waylaid by Senators during the closing hours of Mr. Roosevelt's administration for no other reason than that it was supposed to meet with his approval. Thus Congress was halted in its great and noble purpose of promoting the waterways development of the country by a joke of the President.

Not content with that, an amendment was adopted to the sundry civil appropriation bill upon the motion of Mr. TAWNEY, of the House of Representatives, as follows:

That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law.

There was no objection to that portion. Of course the public moneys are not to be expended in expenses of commissions, unless they are organized under the law and unless the disbursements are warranted by statutory enactment. But this amendment went further and placed limitations upon the executive power of the President himself, intended to defeat the usefulness of that very remarkable man in getting together skilled men for the purpose of securing advice regarding great measures which he had in contemplation; and what was that additional portion? It reads:

Nor shall there be employed by detail hereafter or heretofore made, or otherwise, personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

In other words, it was proposed to take away from the President the power to gather together the public servants engaged in the different bureaus or services of the Government for the purpose of coordination among themselves, for the purpose of counseling among themselves, for the purpose of making recommendations to him as the Chief Executive of the country. They proceeded to paralyze these commissions which Mr. Roosevelt was organizing, every one of which had a useful purpose in the gathering together of the data and the information necessary for him to have in his recommendations.

Mr. President, they sought to impair the "pernicious activity" of Mr. Roosevelt in this movement, subsequently indorsed by the Republican party in convention and inaugurated by the administration, for the conservation of the natural resources, and, whilst a convention representing the entire Republican party indorsed this movement, Congress sought at every step to hamstring the President in his activity.

After this platform was adopted by the Republican party in national convention, it was to have been expected that the

obedient and loyal members of that party in the Senate and House of Representatives would respond to its demands. Let us see how they have responded to its demands. Under this administration and under urgent messages from the President of the United States, urging the adoption of the so-called Roosevelt policies, the first evidence we had of the action of that party was the river and harbor bill recently passed. That bill provides for some \$50,000,000 or \$60,000,000 of appropriations, to be expended under the system, or, rather, want of system, that has existed up to this time. I sought to put an amendment in that bill which would cover this question of comprehensive plans and of scientific adjustment of the waterway question as one involving transportation—a great policy, and not mere projects. I ask that the amendment offered by me to that bill be read by the Secretary.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 20686) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz: Insert the following:

The President is authorized to bring into coordination and cooperation with the Corps of Engineers of the Army the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of interstate and foreign commerce including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States; and he is authorized to appoint as members of such board or boards such engineers, transportation experts, and constructors of eminence as he may deem advisable: *Provided, however*, That until further authorized by law, the total expenditure under this provision shall not exceed _____ dollars.

Mr. NEWLANDS. Mr. President, instead of adopting that eminently practical amendment, an amendment simply continuing the existence of the National Waterways Commission as a recommendatory body was adopted. I ask the Secretary to read section 4 down to the end of line 10, on page 128.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 4. That so much of section 7 of the rivers and harbors act approved March 3, 1909, as provides that the term of the National Waterways Commission shall expire on March 4, 1911, be, and the same is hereby, repealed; and the said commission shall be continued until March 4, 1913. In addition to the duties prescribed in said section 7, said commission is hereby authorized and directed to investigate questions pertaining to waterways in their relation to irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, and prevention of soil waste, with a view to formulating comprehensive plans for the development of the waterways and water resources of the country by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States under its constitutional powers and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdiction, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States.

The said board shall also recommend plans to bring into coordination and cooperation the scientific and constructive services of the United States which relate to the study, development, and control of waterways, and to avoid duplication in the work assigned to the several bureaus or departments which have to do with such services.

Mr. NEWLANDS. Mr. President, it will be observed that the Committee on Commerce reported as a substitute for the amendment which I had offered, and which provided for a board of practical construction, a mere legislative commission composed of Senators and Representatives which was to inquire further into the subject, but even that feature of the Senate bill was eliminated in conference, and everything was stricken from the bill that provided for planning in any comprehensive or consecu-

tive way a complete system of waterway transportation; so that the old system was allowed to remain—a system of unrelated projects suggested by members of the Senate and of the House of Representatives, urged by them with great energy and activity, approved in a disconnected way by the Corps of Engineers of the Army, and then selected by a committee of Congress, not under the advice of the board of engineers as to their relative importance or as to their consecutive relation to each other, but simply with a view to ratifying the demands of individual legislators who are unwilling to submit their wishes and their desires to the control or direction of scientific men.

That bill is now before the President, and it does not contain any vestige of the movement referred to by the Republican platform, the movement inaugurated by the last administration for the conservation of natural resources. The Congress, under the domination of the party which had made this declaration regarding Mr. Roosevelt's policies, and having won the election upon those policies and as a result of Mr. Roosevelt's intervention at a critical time in the campaign, turned its back upon this movement that had been inaugurated by Mr. Roosevelt.

Candor compels me to say, Mr. President, that the record of the Democratic party on this floor upon this matter matches that of the Republican party. The Democratic platform was explicit in its demand for the amendment which I had offered to the river and harbor bill, and yet that amendment received the support of but one Democrat on the Committee on Commerce; and when a test was made in this body I was not conscious that there was any substantial support for the amendment on the part of the party to which I belonged.

Both parties, so far as their action in this body was concerned, failed to act upon their platform pledges. But the Republican party is to be held responsible before the country, for it is the dominant party and is responsible for legislation here.

Mr. President, what further effort was there on the line of the development of the conservation policy inaugurated by Mr. Roosevelt? A bill was presented in this body from the Committee on Public Lands giving the President the power to withdraw public lands for public purposes. It was intended to settle the contention between the two administrations, the last administration contending, in line, I must state, with all the authorities, that the executive department, under its supervisory power over the public domain, had the power to withdraw lands from entry and settlement; that, as the custodian of the public domain, whenever it saw that the purpose of acts passed was about to be perverted, that frauds were likely to be accomplished, that laws passed with beneficent purpose were being used for base purposes, it had the power to check fraudulent acquisition of large areas of the public domain. It was proposed to settle that by legislation. It was one of the conservation measures. It practically put in the statute books the policy which had been pursued by Mr. Roosevelt as a matter of administration.

It was then sought, upon the motion of the Senator from Montana [Mr. DIXON], the chairman of the Conservation Committee of the Senate, to offer as an amendment to that bill another conservation measure reported by the Committee on Conservation, a bill which I had the honor to introduce and which had the favorable report of that committee; a bill providing for the appointment of a national commission on conservation, with power to inquire into, and all these questions relating to the conservation, development, and use of our natural resources, the waters, the lands, the mines, the forests, and to cooperate with States and communities in plans for the development and the use of these natural resources and their protection from waste, through the exercise of all powers, national and state.

That bill had the support of members on this side and I was informed by the Senator from Montana that it had a large support upon that side of the Chamber; and at a critical time the senior Senator from Minnesota [Mr. NELSON], who has throughout sought my help upon the Committee on Public Lands in aid of what he regarded as the conservation measures of this administration, moved to lay that amendment upon the table.

That motion was not debatable. I had no opportunity to present my views upon the bill at all during the time, and no friend of the amendment had the opportunity, and the defenders of the amendment were swept off their feet by this unexpected movement of the Senator from Minnesota. I had understood that he was for the conservation measures recommended by this administration. He had sought my support of these withdrawal bills and other reform bills regarding the public lands upon this assumption, and he had secured it.

President Taft has uniformly insisted upon the adoption by Congress of the so-called Roosevelt policies regarding conservation. He would have welcomed the power to appoint such a commission as Mr. Roosevelt sought to appoint, and yet the dominant party, pledged by its platform to the movement inaugurated by the administration for the conservation of the nat-

ural resources, swept aside that fundamental bill which was intended to blaze the way toward the logical and consecutive consideration of this great question.

Mr. President, everything of merit in the pending bill is based upon the conservation policy, and yet so hostile is the dominant party in both Houses to anything that Mr. Roosevelt has ever advocated and to anything that has ever had the brand of his name that to insure the rejection of a measure you have only to brand it as a Rooseveltian measure. It is not expressed openly in debate, but you find it in the atmosphere everywhere, in the covert sneer, in the satirical remark, in the disparaging allusion.

And here you have a President, elected upon the Roosevelt policies, demanding of you the legislation called for by your platform, and you evade and elude your responsibility upon every occasion, and are indulging simply in half-hearted legislation upon fragmentary portions of these great policies, such as the bill before us, and you steal from the Roosevelt policies for such measures the ideas of the Rooseveltian policies without confessing their origin.

Let it be known to the dominant party to-day that Mr. Roosevelt favors this particular bill and, in my judgment, it would be defeated by members of his own party in this body.

Mr. PURCELL. Can you give us the reason for that?

Mr. NEWLANDS. The Senator from North Dakota inquires whether I can give the reason for that. Well, I think I can. I do not know how satisfactory it would be to the dominant party, but we all know that that party has been masquerading for years. It is really a reactionary and ultraconservative party at heart. It believes in the things that are, however bad they may be, and fears change, however beneficial it may be, lest it may involve readjustments that will affect business and the acquisition of wealth. But being a reactionary party and an ultraconservative party, and thus entirely out of sympathy with the humor of the great American people, it is compelled to assume a mask of interest in the masses, a mask of favor to great progressive reforms. And so it selects a candidate like Mr. Roosevelt and declares for his policies, and it selects his chosen friend, Mr. Taft, not because it wants to, but because it wants to get into power, and it utilizes their progressive views, their desire for beneficial reform, with the masses of the people in order to secure votes, determined that when they get into power they will refuse their support to the progressive measures that have been urged upon the consideration of the people by their progressive leaders.

That party must always have, in order to win, a progressive leader, under whose direction, and under whose views, and under whose aims, and under whose purposes it can conceal its own purpose, to hold to things as they are, to stick to every existing abuse.

We have in the action of this body at this Congress the exemplification of this policy, an exemplification which has not yet reached its full fruition, because of the action of a noble band of insurgents in both Houses who have stood against the perpetuation of these abuses, who have stood for progressive action, and who, with the union of Democratic votes upon this side of the Chamber, have been able to impress upon the legislation of the country something of the progress for which we aim.

I will ask now, Mr. President, that the message of the President, sending in the report of the Inland Waterways Commission, be read by the clerk.

The VICE-PRESIDENT. Is there objection?

Mr. KEAN and Mr. GALLINGER. What is the request?

The VICE-PRESIDENT. The request is that the President's message be read by the clerk.

Mr. GALLINGER. I shall have to object. I read it some time ago.

The VICE-PRESIDENT. Objection is made.

Mr. NEWLANDS. I will read extracts from the message of President Roosevelt, transmitting a preliminary report of the Inland Waterways Commission.

The President says, in transmitting this report:

The report rests throughout on the fundamental conception that every waterway should be made to serve the people as largely and in as many different ways as possible. It is poor business to develop a river for navigation in such a way as to prevent its use for power when by a little foresight it could be made to serve both purposes. We can not afford needlessly to sacrifice power to irrigation, or irrigation to domestic water supply, when by taking thought we may have all three. Every stream should be used to the utmost. No stream can be so used unless such use is planned for in advance. When such plans are made we shall find that instead of interfering one use can often be made to assist another. Each river system, from its headwaters in the forest to its mouth on the coast, is a single unit and should be treated as such. Navigation of the lower reaches of a stream can not be fully developed without the control of floods and low waters by storage and drainage. Navigable channels are directly concerned with the protection of source waters and with soil erosion, which takes the materials for bars and shoals from the richest por-

tions of our farms. The uses of a stream for domestic and municipal water supply for power, and in many cases for irrigation, must also be taken into full account.

The development of our inland waterways will have results far beyond the immediate gain to commerce. Deep channels along the Atlantic and Gulf coasts and from the Gulf to the Great Lakes will have high value for the national defense. The use of water power will measurably relieve the drain upon our diminishing supplies of coal and transportation by water instead of rail only will tend to conserve our iron. Forest protection, without which river improvement can not be permanent, will at the same time help to postpone the threatened timber famine and will secure us against a total dearth of timber by providing for the perpetuation of the remaining woodlands.

Irrigation will create the means of livelihood for millions of people, and supplies of pure water will powerfully promote the public health. If the policy of waterway improvement here recommended is carried out, it will affect for good every citizen of the Republic. The National Government must play the leading part in securing the largest possible use of our waterways; other agencies can assist and should assist, but the work is essentially national in its scope.

Here, I may say, comes the argument for coordination:

The various uses of waterways are now dealt with by bureaus scattered through four federal departments. At present, therefore, it is not possible to deal with a river system as a single problem. But the commission here recommends a policy under which all the commercial and industrial uses of the waterways may be developed at the same time. To that end Congress should provide some administrative machinery for coordinating the work of the various departments so far as it relates to waterways. Otherwise there will not only be delay, but the people as a whole will fail to get from our streams the benefits to which they are justly entitled.

Mr. President, that recommendation of the President has reference to the following recommendation of the Inland Waterways Commission:

1. We recommend that the Congress be asked to authorize the coordination and proper development of existing public services connected with waterways; and we suggest that such enactment might provide that the President of the United States be authorized, with the advice and consent of the Senate, to appoint and organize a National Waterways Commission, to bring into coordination the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service in so far as their work relates to inland waterways, and that he be authorized to make such details and require such duties from these branches of the public service in connection with navigable and source streams as are not inconsistent with law; the said commission to continue the investigation of all questions relating to the development and improvement and utilization of the inland waterways of the country, and the conservation of its natural resources related thereto, and to consider and coordinate therewith all matters of irrigation, swamp, and overflow land reclamation, clarification and purification of streams, prevention of soil waste, utilization of water power, preservation and extension of forests, regulation of flow and control of floods, transfer facilities and sites, and the regulation and control thereof, and the relations between waterways and railways; and that the commission be empowered to frame and recommend plans for developing the waterways and utilizing the waters, and as authorized by Congress to carry out the same through established agencies, when such are available, in cooperation with States, municipalities, communities, corporations, and individuals, in such manner as to secure an equitable distribution of costs and benefits.

Mr. President, it has been my effort ever since the present administration came into power to urge legislation that would give the President the power to carry out these conservation policies. On numerous occasions I have urged that power should be given to the President to appoint experts, to appoint boards, to secure aid and organization of this kind. But in every case my effort has been futile.

We will recall that when the bill was up for the organization of good business methods, it was my effort to have an executive commission appointed instead of a purely legislative commission. It was clear that the only thing to do was to enable the executive department to reform itself, and the thing to do was to give it the aid of the best experts of the country for that purpose, and we had good evidence in the manner in which Mr. Taft had organized his Cabinet for team work, and with the view to the preparation of a budget, that he was intent upon reducing the expenses of the country. But yet so tentative was Congress of its power that instead of giving the President the aid necessary to carry out this work of reorganizing the business departments of the Government, it has held the powers in its own hands through a joint commission composed of members of both Houses.

That commission, I believe, has not yet been perfected, and if it is perfected, it will be so overwhelmed with purely legislative work as to be utterly unable to take up the work which properly belongs to the executive department.

We have had an illustration of this in the Committee on Public Expenditures of this body. That committee has been called into session upon only two or three occasions. It was practically admitted at the very start that it could not do much in the way of organizing a budget and confining the expenditures of the Government to that budget, because of the variety of duties of the members of the Senate upon other committees.

I sought by various amendments to the river and harbor bill to give the President the power to select the most gifted and eminent constructors and engineers in the country—traffic men,

transportation men—to aid him in the great work of the development of the waterways of the country as a public system and perfect this system of transportation. That has been denied him. We had an illustration recently of how even so law-abiding a President has been compelled to overrule legislation enacted by Congress intended to be restrictive of his power. Under the Tawney amendment the President has no power to appoint the advisory committee of engineers which is to aid the Secretary of the Interior in the investigation of the Hetch Hetchy matter. Only recently the President of the United States has been compelled to disregard the injunction of Congress as established in the Tawney amendment to the sundry civil appropriation bill. That amendment provides:

Nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body—

What do the words "such commission" refer to— unless the creation of the same shall be, or shall have been, authorized by law.

There is no authority whatever in the law for the appointment of an advisory committee for the Secretary of the Interior for the purpose of investigating the Hetch Hetchy matter. The whole appointment corresponds with the appointments which were made of such boards by President Roosevelt.

Mr. GALLINGER. Mr. President—

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

Mr. GALLINGER. I rise to a parliamentary inquiry, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire will state it.

Mr. GALLINGER. Am I correct in assuming that Jefferson's Manual is a part of the rules of the Senate?

The VICE-PRESIDENT. The Chair understands that Jefferson's Manual is a part of the rules.

Mr. GALLINGER. I will ask the Secretary to read the two lines I have marked in Jefferson's Manual.

The Secretary read as follows:

No one is to speak impertinently or beside the question, superfluously or tediously.

Mr. GALLINGER. The point I wish to make is not to suggest that the Senator is speaking superfluously or tediously, for the Senator does not do that; but that the Senator is not speaking to the question. The rule specifically says a Senator shall not speak "beside the question." We have up for consideration the bill relating to the preservation of the rivers for the purpose of navigation, and the Senator is talking on every other subject under the heavens, almost, except that subject.

Mr. NEWLANDS. I beg the Senator's pardon; I am confining myself entirely to the subject. I am now discussing the conservation policy of Mr. Roosevelt and of this administration, a part of which this bill covers, and I am directly discussing the question of a reservoir connected with a navigable river, one of the sources of that river, and concerning which the President has taken certain action.

I am contending that with reference to all these matters Congress has put the executive department under restraint of law. It has not sought to facilitate it by giving it the proper expert aid and advice; and the existing President has acted like the former President, and he has even gone beyond the former President in expressly disregarding the terms of the law which were intended to put the former President under restraint. Those terms I have read. The whole power is absolutely forbidden to the President to detail any person in the government employment to a board not authorized by law. No authority of law whatever is given to the appointment of an advisory board for the Secretary of the Interior, yet the President has been compelled to appoint such a board. It is true that Congress has got around the matter recently by paying the expenses of such a commission in an appropriation bill, and yet the members of that board entered upon their duties and discharged them before this action, which may be termed a ratification, was taken. The fact is, I believe, it has not yet been enacted into law, for the sundry civil appropriation bill has not as yet finally passed.

I was remarking that the President had been compelled to disregard the action of Congress in the employment of this commission regarding the Hetch Hetchy inquiry. I think he was perfectly justified in doing it, for I do not believe that Congress has the power to limit the Executive in the discharge of his duties, and it is entirely proper for him to gather information and advice from anyone of the officers of the executive department. It is entirely proper for him to bring them together in a board or committee or a commission for that purpose.

I only referred to the so-called Tawney amendment as an indication of the disposition of Congress to tie the Executive in making great plans that are essential for great constructive work. The Interior Department is to be applauded for securing the expert advice of the army engineers regarding this matter, and I do not criticize it at all as an unwarranted act on the part of the President. I simply state that difficulty with progressive legislation has been not the executive department itself, but Congress, and the issue before the American people in the coming election will be whether Congress shall remain as heretofore under the control and direction of the Republican party. I think that I have shown clearly and distinctly that both parties of the country are in favor of progressive constructive policies; that they believe in giving larger powers to the Executive for that purpose; that they believe in giving him the expert advice essential to carry out great enterprises; and that they believe in the cooperation and coordination essential to the accomplishment of great purposes. I call the attention of the country to the fact that this great purpose of the country as demonstrated in the platform of both parties has been defeated, and has been defeated by the action of Congress itself, although the Executive of two administrations has been constantly calling upon it for the legislation to carry out these great works.

Mr. President, I shall suspend my remarks for the present. I shall take up another branch of the subject subsequently.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed without amendment the bill (S. 7661) to amend section 54 of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, as amended by public resolution 36, approved June 30, 1902.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 26349) to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across the St. Marys River.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the bill (S. 6719) to provide for the sittings of the United States circuit and district courts of the eastern division of the eastern district of Arkansas at the city of Jonesboro, in said district.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan.

The message further announced that the House 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 the bill (H. R. 25552) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes; further insists upon its disagreement to the amendments of the Senate upon which the committee of conference have been unable to agree; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. FITZGERALD managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 24902) to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

H. R. 2272. An act for the relief of John A. Brown;

H. R. 4093. An act for the relief of the owners of the American schooner *Wilson and Hunting* and cargo;

H. R. 12434. An act to make uniform the salaries of the United States district attorneys and marshals in Texas;

H. R. 19499. An act for the relief of George Drake and Lillie Nelson;

H. R. 20148. An act to provide for an additional judge of the district court for the eastern district of New York;

H. R. 20554. An act authorizing the Secretary of the Interior to issue patent to Fred G. Smith and Lulu Smith, minor heirs of George Smith, deceased, for the title in fee to the east half of the northwest quarter and the east half of the southwest quarter of section 7, township 24 north, range 13 west, sixth principal meridian, in the State of Nebraska, entered as a homestead by said deceased;

H. R. 21090. An act authorizing the President of the United States to appoint Commander Kenneth McAlpine a commander in the navy on the active list;

H. R. 22231. An act granting to the city of Hot Springs, Ark., land for street purposes;

H. R. 23217. An act repealing part of the act of March 5, 1910, relating to an increase of pension to Jacob Whitlock; and

H. J. Res. 164. Joint resolution construing section 6 of the act of May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes."

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 25552) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 69, and 84.

That the House recede from its disagreement to the amendments of the Senate numbered 32 and 60; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Enlarging the Capitol grounds: It is hereby declared to be the purpose of Congress to ultimately acquire all of squares numbered six hundred and thirty-two, six hundred and thirty-three, six hundred and thirty-four, six hundred and eighty, six hundred and eighty-one, six hundred and eighty-two, six hundred and eighty-three, six hundred and eighty-four, six hundred and eighty-five, seven hundred and twenty-one, seven hundred and twenty-two, and seven hundred and twenty-three, in the city of Washington, D. C., for the enlargement of the Capitol grounds, and for the construction of a direct avenue of about one hundred and fifty feet in width from the junction of Pennsylvania avenue and First street NW. to the Union Station plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly fountain in said plaza, the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are hereby authorized and directed to acquire said premises by purchase, condemnation, or otherwise and to expend for that purpose not more than five hundred thousand dollars in any one fiscal year, commencing with the year nineteen hundred and eleven, and the persons authorized to acquire such property shall annually, within said limit, purchase whatever of said property is in their judgment offered at the lowest prices relative to its actual value, provided they shall not purchase any property at above its fair actual value. If in any year there should not be offered property substantially up to said sum of five hundred thousand dollars at its fair value or less, the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be five hundred thousand dollars' worth in any one fiscal year. If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of the act of Congress approved August thirtieth, eighteen hundred and ninety, providing a site for the enlargement of the Government Printing Office (Statutes at Large, volume twenty-six, chapter eight hundred and thirty-seven). For the execution of the foregoing, five hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted insert the following: "For the survey of the lands of the United

States in the District of Alaska, one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the payment of all and any necessary expense incurred incident to any suits brought at the request of the Secretary of the Interior, including the salary of an attorney specially employed to set aside illegal conveyances of title or protecting the possession of Seminole allottees to their allotted lands in the Seminole Nation, to be expended under the direction of the Attorney-General, six thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: On page 106 of the bill, in line 23, after the word "park," insert the words: "Including twelve thousand five hundred dollars for the construction of a road;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "protection and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "available," insert the words "to the extent of not exceeding ten thousand dollars;" and the Senate agree to the same.

On amendments numbered 62, 63, 64, 71, 76, 77, 98, 99, 107, 108, 109, 110, and 111 the committee of conference have been unable to agree.

EUGENE HALE,
GEO. C. PERKINS,
A. S. CLAY,

Managers on the part of the Senate.

J. A. TAWNEY,
WALTER I. SMITH,

Managers on the part of the House.

The report was agreed to.

INDIAN LEGISLATION.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24992) to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the lease of allotments, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. CLAPP, Mr. LA FOLLETTE, and Mr. OWEN the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives upon the bill (H. R. 25552) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, further insisting on its disagreement to the amendments of the Senate bill in disagreement and asking for a further conference on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist further upon its amendments still in disagreement and agree to the further conference asked for by the House, the conferees to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. CLAY the conferees on the part of the Senate at the further conference.

Mr. HALE. I wish to say, Mr. President, that on this last conference upon the sundry civil appropriation bill it is my expectation that some time to-morrow there will be final agreement, so that that appropriation bill will be out of the way. The only other large appropriation bill is the deficiency bill, and upon that the conferees will either have a conference to-night or early to-morrow morning. It is my hope that that will be disposed of also by Saturday morning, so that unless something besides appropriation bills shall delay the Senate it is my hope that we will be able to adjourn on Saturday.

PUBLIC BUILDINGS BILL.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26987) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 35, 38, 53, 54, 63, 76, 78, 89, 95, 108, 123, 170.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 55, 56, 57, 58, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 109, 110, 111, 113, 113½, 114, 115, 116, 117, 118, 119, 120, 121, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 167, 168, 169, 171, 172, and 173, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the matter proposed by said amendment and insert the following: "United States post-office and court-house at Lincoln, Nebr., one hundred thousand dollars: *Provided*, That not to exceed twenty-five thousand dollars of this amount shall be available during the fiscal year ending June thirtieth, nineteen hundred and eleven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "Titusville" and insert the words "Beaver Falls;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 1 of the amendment, after the word "mansion," insert "furnishings;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In line 1 of said amendment, strike out the word "ten" and insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "twenty-five" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: On page 23, line 9, of said amendment strike out the word "appropriated" and insert "authorized." And on page 25, line 25, of said amendment strike out all words after word "shall." And on page 26, line 1, strike out the words "the District of Columbia and" and insert "become a part of the park system of the District of Columbia and be under the control of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: On page 26, line 9, of said amendment strike out "appropriated" and insert "authorized." And on page 27, lines 16 and 17, strike out the words "be under the joint control of the Commissioners of the District of Columbia and" and insert "become a part of the park system of the District of Columbia and be under the control of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof: "That the Secretary of Commerce and Labor be, and he is hereby, authorized, in his discretion, to exchange the site heretofore acquired for United States immigration station at Boston, Mass., for another suitable site: *Provided*,

That such exchange shall be made without expense to the United States;" and the Senate agree to the same.

N. B. SCOTT,
F. E. WARREN,
A. S. CLAY,

Managers on the part of the Senate.

RICHARD BARTHOLDT,
E. C. BURLEIGH,
CHAS. R. THOMAS,

Managers on the part of the House.

The report was agreed to.

Mr. SCOTT. I desire to say that I think every Senator, perhaps with the exception of one or two, will sleep well to-night and be happy over the public buildings bill. I have been a member of the Committee on Public Buildings and Grounds ever since I have been in the Senate, and in my judgment this is the best public buildings bill that has ever been presented. Everybody, I am sure, as I stated, will be happy.

CONSERVATION OF NAVIGABLE RIVERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4501) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

Mr. BURTON. I understand the Senator from Nevada has not yet completed his remarks. I think, Mr. President, the time has been reached when we should suspend this discussion for the day. There are several others who desire to speak, but who do not desire to go on at this time after a long session and with the unusual heat of the day.

Mr. BRANDEGEE. We could not hear on this side of the Chamber what the Senator from Ohio said.

Mr. BURTON. I thought we ought to lay aside the bill now under discussion for the present and resume it in the morning. There are several who still desire to be heard upon it, but who do not wish to go on to-night after a session of five and a quarter hours and in view of the very unusual heat of the day.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. Certainly.

Mr. BRANDEGEE. I could not agree to a motion to lay the bill aside temporarily without some agreement as to when we could take a vote on the bill. I therefore ask unanimous consent, for the purpose of testing the sense of the Senate, that we may vote upon the bill and all amendments without further debate to-morrow at 3 o'clock in the afternoon.

Mr. BURTON. I can not agree to that. I say that because of some uncertainty as to the number who desire to speak and the amount of time they will occupy.

The VICE-PRESIDENT. Does the Senator from Ohio object?

Mr. BURTON. I object.

Mr. BRANDEGEE. Then I desire to give notice that I shall move to-morrow morning to take up the bill for consideration immediately after the conclusion of the routine morning business.

Mr. GALLINGER. Unless we vote to-night.

Mr. BRANDEGEE. Unless the bill is voted upon to-night.

Mr. STONE. After the morning hour, of course.

Mr. HUGHES. We could not hear the last remark of the Senator from Connecticut. I should like to hear it.

Mr. BRANDEGEE. We are prepared to go on with the debate and to vote as soon as the debate is closed, Mr. President.

Mr. HUGHES. But as to what will occur to-morrow morning, I could not hear what the Senator said.

The VICE-PRESIDENT. The Senator said he would ask immediately after the conclusion of the routine morning business to-morrow to take up the bill, if it were not disposed of to-night.

Mr. STONE. We ought to go on with the calendar for an hour or two.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from Missouri.

Mr. BURTON. A parliamentary inquiry. What is the motion?

The VICE-PRESIDENT. The amendment offered by the Senator from Missouri [Mr. Stone] to the pending bill.

Mr. BURTON. I make the request, Mr. President, that the bill be laid aside for the day.

Mr. GALLINGER. I object.

The VICE-PRESIDENT. Objection is made. The question is on agreeing to the amendment offered by the Senator from Missouri. The Senator from Ohio still has the floor. Does he yield to the Senator from Missouri?

Mr. HUGHES. I suggest the absence of a quorum.

Mr. BURTON. I will yield to the Senator from Missouri, but I think the Senator from Colorado suggested the absence of a quorum.

Mr. STONE. The Senator from Colorado suggested the absence of a quorum.

The VICE-PRESIDENT. Did the Senator from Ohio yield; and if he did, to whom?

Mr. BURTON. I was not on my feet except as to the order of business, and I yielded—

The VICE-PRESIDENT. Then the Senator from Ohio does not claim the floor, and the Chair recognizes the Senator from Missouri.

Mr. BURTON. If the Chair puts it that way I will retain the floor.

The VICE-PRESIDENT. The Chair understood that the Senator from Ohio did not desire the floor. The Chair did not wish to force the Senator to take the floor.

Mr. BURTON. I did not take it except for a parliamentary matter as to the order of business.

The VICE-PRESIDENT. The Senator made a request that the pending business be laid aside and the Senator from New Hampshire objected.

Mr. BURTON. A parliamentary inquiry, Mr. President.

The VICE-PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. BURTON. That does not at all foreclose me from taking the floor to speak.

The VICE-PRESIDENT. Certainly not.

Mr. STONE. Mr. President, I have no occasion to detain the Senate more than a very few minutes, and I shall not.

I have offered an amendment to come in as a new section, to be numbered 16, of the pending bill. The amendment provides for a survey to be made under the auspices of the Agricultural Department, at an expense of \$150,000, covering not only the survey itself, but the expense incident to its conduct here in Washington. The amendment itself fully explains its purpose.

Mr. President, in the States of Missouri, Arkansas, and Louisiana there is a large area of land. I can not state the amount in acreage, although I am sure it runs into the millions. There is no more fertile land in the world; none that has a greater productive capacity. The lands to which I refer are known as swamp lands; they are covered by water. The States—particularly, as I know, the State of Missouri—have enacted laws to drain these lands and to clear them of water, but there is a lack of cooperation among the States in which this vast and rich area lies.

Some time ago the junior Senator from Louisiana [Mr. FOSTER] offered to the sundry civil appropriation bill substantially the same amendment that I am proposing here. It has been offered since to one or two other appropriation bills as they have appeared in the Senate, but in each instance the amendment has gone out on a point of order.

Mr. President, the amendment which I offer, I repeat, proposes to appropriate \$150,000 for a survey of these lands and for a scientific plan of drainage in the form of a suggestion to the States, to the end that they may work cohesively and in conjunction. It is not the desire that the Government of the United States—and I ask Senators to bear this in mind—it is not intended that the United States shall pay a dollar toward the cost of draining these lands. I wish the Senator from Connecticut [Mr. BRANDEGEE] to bear in mind that it is not the intention or the desire of those who stand for this proposition to have the Government of the United States pledge or obligate itself to expend one dollar in draining these lands.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. With pleasure.

Mr. GALLINGER. I inquire, for information, of the Senator, did we not at this session make an appropriation for the survey of swamp lands, and have we not made an annual appropriation for the last seven or eight years for that purpose, and is not the Department of Agriculture engaged in that work now with money furnished by the Government?

Mr. STONE. Mr. President, the Senator from New Hampshire is perhaps better advised than I as to the extent of the work being done by the United States in that respect.

Mr. GALLINGER. I confess I do not know, but I think we appropriated something like \$75,000 this year. Perhaps I am mistaken as to the exact amount, but in looking up the matter I discovered that we had appropriated altogether something over \$1,000,000, or about that amount of money, for this very purpose. I do not know how much work they are doing.

Mr. STONE. Mr. President, I can not gainsay what the Senator from New Hampshire says. He is usually accurate in what he says, and he, having looked into it, I accept his statement; but all the desire I wish to express now is, and all the desire here is, that the Government will make a survey of these particular lands running down the Mississippi River in three large States, covering an area of several million acres of exceedingly rich land owned by private individuals. We ask that the Government survey the lands and devise the best plan of draining them through streams into the Mississippi River. After that is done—

Mr. GALLINGER. Mr. President—

Mr. STONE. If the Senator from New Hampshire will pardon me just a moment—

Mr. GALLINGER. Certainly.

Mr. STONE. After the survey is made, if it shall be ordered, then the States, under their own laws, cooperating through drainage districts as bodies corporate, will issue bonds of those districts that will be paid, interest and principal, by taxes on the land within the district.

The hope is, through this means, to clear this great and valuable area of the water and open it up to practical agriculture. All we ask is that the Government of the United States will aid the States to the extent of making a survey along these lands through the three States and suggest a feasible and scientific plan upon which the States may agree.

Mr. GALLINGER. Now, Mr. President, will the Senator permit me?

Mr. STONE. Certainly.

Mr. GALLINGER. I will ask the Senator if it will not naturally and necessarily follow that we will then survey the Everglades of Florida, the Dismal Swamp, and all the swamp lands in the other Southern States, and some of them in the North, for we have some swamp lands away north?

Mr. STONE. Many of the States have swamp lands.

Mr. GALLINGER. Will not this really be the initial step involving the Government in a very large expenditure for surveying the swamp lands of all the States?

Mr. STONE. I would say, Mr. President, that in so far as lands designated as swamp lands belonging to the United States are concerned, the same rule should apply in the taking of water from land as in putting water upon land, and for the same reason. Arid land is of no value without water, and swamp land is of no value because of the water. If we proceed upon the theory and policy of putting water on the areas of arid land in order that they may be taken up and utilized and sold, so we might, if they were public lands, take the water off on the same theory; but these lands—

Mr. GALLINGER. Those lands are not public lands.

Mr. STONE. They are not public lands, nor are the lands, I presume, to any large extent in Florida, or in any of the older States. But I suggest to my friend from New Hampshire that it would be an exceedingly good investment at a low cost for the Government of the United States, if there was assurance sufficient to warrant it in undertaking the work, to make a survey in Florida, or in any other State that would leave to the people of the State themselves, not at the expense of the Government but of the landowners, the draining of those lands and opening them up to agriculture.

Mr. GALLINGER. Mr. President, if the Senator will permit me, what is troubling me is to know just what the Agricultural Department is doing with the money that we have been appropriating for this very purpose.

Mr. STONE. They are not doing anything in the section to which I refer. I presume that the Department of Agriculture is devoting its energy and expending the money put under its control largely to the exploitation of public lands. That is a presumption; I am not advised specifically with regard to it.

Mr. GALLINGER. That may be so; I do not know about that.

Mr. STONE. This is a new line of enterprise, and all that the people of these States ask is that the Government will go to the very little expense of making a survey and making intelligent and scientific suggestions as to the best way of draining the overflowed lands. When that is done, then we have assurance from the States that they will work in harmony and cooperation and drain the lands. If you can put two, three, or four million acres of as fine land as there is anywhere in this country under the plow and into agriculture, it will contribute

largely to the wealth of the country; and the time has already come, I think the Senator from New Hampshire will recognize, when we have got to enlarge our energies and activities in that direction.

Mr. GALLINGER. I agree with the Senator on that point; but I want to ask the Senator if there is a bill pending on this subject or whether the matter has had the consideration of any committee?

Mr. STONE. There is a bill pending.

Mr. GALLINGER. Is it before a committee, I ask the Senator?

Mr. STONE. It is before the Committee on Agriculture and Forestry, but it has not been reported; it has not been considered by the committee. It has been introduced only recently; but I will say to my friend, the Senator from New Hampshire, that it seems to me to be so plain and simple and fair a proposition that it is not necessary to go through all of the difficulties and chances of committee investigation and of legislation through the two Houses. If it is pertinent here, as I think it is, then no harm is done and but little expense incurred, with the prospect of a vast benefit to the people, not only of that section, but, in its larger aspect, to the people of the whole country.

Mr. GALLINGER. Mr. President, I ask the Senator what amount is named in the bill?

Mr. STONE. "One hundred and fifty thousand dollars, or so much thereof as may be necessary."

Mr. GALLINGER. Of course the Senator, who is a wise Senator, knows that we may have other amendments along the same line offered to this bill from other sections of the country.

Mr. STONE. I have no doubt, I will say to the Senator, that other States, where there are swamp lands, in the great north-west and the southeast and other sections of the country, would like to have the Government enter upon the scheme of draining lands, but we are not asking the Government to enter upon it at all. The very amendment that I offer in the proviso stipulates that the Government shall not be committed or in anywise obligated to expend a dollar in the draining of these lands beyond the survey.

Mr. GALLINGER. Beyond the survey?

Mr. STONE. Beyond the surveys for which we ask, and that is all we ask, and it is so stated specifically in the amendment itself. Whether other States would want to do that, I do not know, but if they do, I am perfectly willing to have them go into this amendment, and that is the attitude of the States to which I refer. We stand ready in Missouri, in Arkansas, and in Louisiana to drain our own lands at our own expense, and will not ask a farthing. I put it in the Record, that they will not ask a farthing from the Government of the United States to drain them.

I do not know that the Government of the United States has any business spending money out of the Treasury to drain the private lands of individuals; but we expend money for public roads and for divers and sundry other things, and it does seem to me that it is not any stretch of the power and authority of Congress to authorize a national survey, under the authority of the Government of the United States, by the best engineering talent obtainable, to give confidence to the work that is done and make it the basis for action upon the part of these States that stand not only ready, but anxious, to drain these exceedingly valuable lands, to open them up to settlement and to agriculture.

Mr. President, if the Senator from New Hampshire, who is about to rise, will excuse me a moment, I know down in southeast Missouri, where these lands lie, so far as my State is concerned, twenty years ago, as my colleague [Mr. WARNER] well knows, when I first went into the southeast portion of the State, there were large areas covered by water. The railroads ran for miles and miles right through the swamps. The lands were timbered, and the only value to the lands at that time was the timber. That largely has been cut down and utilized, but the people there, the owners of these lands, under State laws, have organized what they call drainage districts and levee districts; they have built the main ditches and lateral ditches and relieved these lands of the water to a large extent.

Thousands of acres have been cleared of the water; and lands that were selling for \$1.50 to \$2 an acre are selling now for from \$50 to \$100 an acre; my colleague says \$100 to \$150. They are very valuable lands. There are no more valuable lands in that region of the country. They are the most productive lands. They are under water, overflowed lands, what are known as the sunken lands, by reason of the old earth-

quake of three-quarters of a century ago, when the land went down and the river poured in and covered it. This land is being reclaimed, and as they come into use and under cultivation they produce enormously. There are no richer lands in your great State of Illinois or in our great State of Missouri, or in any other State, than those lands running down the edge of the Mississippi River which are covered by these waters.

Mr. CULLOM. And the depth of the soil is remarkable.

Mr. STONE. My friend, the Senator from Illinois, speaks of the depth of the soil. I have seen, and my colleague has seen, ditches 20 feet deep dug for draining purposes through lands in southeast Missouri, and the soil at the bottom of the ditch was the same as at the top. There is no end to it.

Mr. OVERMAN. Does not the Senator think that a great deal of that is occasioned by the silt carried by the river, which comes down from the upcountry, filling up the channel and causing the overflow? In my State—North Carolina—and I would like to have my State included in what the Senator proposes—a great many millions of acres of swamp lands have been caused by that very thing.

Mr. STONE. That may be true in North Carolina, but the cause of these overflowed lands is wholly different. Away back in the twenties, I think—I can not state offhand the date, but it was nearly a century ago—there was a tremendous earthquake, and the lands throughout that region sank some distance. They are now called the sunken lands. They were lowered by the convulsion of nature, and the bank of the river now is considerably higher than the land; and in times of overflow the water, of course, pours in upon these lands and covers them.

The scheme is to drain these lands through the streams that run across them here and there, not only in Missouri but in Arkansas and Louisiana, and what we want is simply to have some well-devised system for the drainage of these lands upon which the different States can agree and upon which they can cooperate in their efforts and in the exertion of their energy to bring about this drainage. That is all we ask.

We ourselves will drain the land if you will just give us a uniform plan of doing it, and that is all we are asking to have done. It seems to me there ought not to be any objection. That is all I care to say, and all I think I can say in support of this amendment.

Mr. FLETCHER. Mr. President, I am inclined to agree with the Senator in his proposition. I feel like saying, however, that Florida has something like 1,000,000 acres of just such land as he has described along the valley of the Mississippi River, known as swamp and overflowed lands. I have joined with others in their efforts to give water to the West where they have none, and it seems to be entirely fair that they should join with us in relieving our lands of the excess of water in certain instances.

The proposition to have the Government survey these lands is not unreasonable at all. They are valuable lands, and the States will attend to the reclamation of the lands when a proper scheme has been developed for their drainage. I would not jeopardize in any way the Senator's amendment by proposing mine, but I think it ought not to endanger his amendment to add after the word "Arkansas" in his amendment the word "Florida."

If it be signified that he has only attempted to reach those States which border the great Mississippi, the Father of Waters, I might even connect with that, because I believe in a few years there will be an inland waterway connecting the Mississippi River at or near New Orleans, extending along the Gulf coast, across the State of Florida, and emptying into the Atlantic Ocean somewhere near the St. Johns River.

I therefore ask, if I may be permitted to do so, to amend the amendment offered by the Senator from Missouri by inserting the word "Florida" after the word "Arkansas."

Mr. STONE. I should like to ask the Senator from Florida if the lands in Florida are all private lands?

Mr. FLETCHER. Not at all. We have something like 600,000 acres of government land in Florida, a good portion of which is swamp and overflowed.

Mr. STONE. I hope the Senator will not involve this amendment with a governmental scheme of drainage of public lands. We are not seeking to drain lands here nor to involve the Government in the expenditure of a dollar to drain lands, but merely for a survey. The propositions are entirely different. I have no objection to putting in any State where the circumstances are similar, and where the landowners are disposed to accept the same conditions proposed.

Mr. FLETCHER. In Florida we have something like 3,000,000 acres of land practically under water. The fact that

the Government has some swamp and overflowed lands there it seems to me ought not to militate against this amendment. It would be rather an additional reason why the Government should take an interest in surveying the lands, it seems to me. We have the private lands—

Mr. STONE. I am willing to accept the suggestion and include Florida.

Mr. OVERMAN. Will not the Senator also accept North Carolina?

Mr. STONE. Yes; I accept North Carolina.

Mr. OVERMAN. I move to amend the amendment of the Senator from Missouri by adding the words "North Carolina." The PRESIDING OFFICER. Does the Senator modify his amendment by inserting the two States named?

Mr. STONE. I modify it by inserting the two States, and I modify it further by suggesting that the moneys appropriated be \$200,000.

Mr. OVERMAN. We are to-day making soil surveys in the counties, and hundreds of thousands of dollars are being spent every year in making those surveys in counties in the different States, and if we could have a plan by which the private land-owners in the States could at their own expense drain them, according to a general plan, we would open to settlers great bodies of land which would be the most producing land in this country. It would raise corn, cotton, and wheat and open the land to settlement. It would give homes to the people, and produce millions and millions of bushels of corn and wheat that are not now produced.

We send these men out on the farms to teach the farmers, and also to make soil surveys, to instruct the farmers as to the kind of crops to put in, what fertilizer is necessary. It seems to me the Government has the same power to get up this general scheme for drainage.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri as modified.

Mr. PAYNTER. Mr. President, this bill suggests to me, and I think to other Senators, the expenditure in the future of a vast sum of money. Whenever we enter upon a scheme of this kind it is certain to mean a very large expenditure. It is said that probably none of the money will be expended. I imagine it would be difficult to cite a case where money was placed at the disposal of anybody, to be expended in the exercise of his judgment or discretion, that it has not been expended.

Mr. President, the right to enact this law is placed upon the ground that it is necessary for the protection of the navigable streams of the country. Pertinent to that question I desire to send to the Clerk's desk and have read an extract from a minority report of seven Members of the House of Representatives. It furnishes a great amount of information upon this question.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. GALLINGER. I doubt the propriety, under the rules of the Senate, of reading a report made in the other House. It represents the opinion of Members of the House, and we are inhibited under our rules from being influenced in any degree by any expressions of that body.

Mr. PAYNTER. I am not asking to have this read because I assume that anybody is bound to be influenced by it.

Mr. BORAH. Or will be.

Mr. PAYNTER. It has been suggested "or will be." I do hope that it contains such statements of fact as will make it appeal to the judgment of Senators. I ask to have it read as a part of my remarks.

The PRESIDING OFFICER. Does the Senator from New Hampshire object?

Mr. GALLINGER. I raise the point of order that under the rules it is not proper to read a document of this kind emanating from the other House.

Mr. PAYNTER. I am not familiar with any such rule. Does the Senator object to my having the clerk read it as a part of my remarks?

The PRESIDING OFFICER. The Chair understands—

Mr. BURTON. Allow me to make a suggestion.

Mr. PAYNTER. I would be sorry to be forced to read it myself this hot afternoon, but if necessary, I will do so.

Mr. BURTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. PAYNTER. Yes.

Mr. BURTON. Is the point of order here raised because a report of a House committee is to be read, or is it that the Senator himself should read it?

Mr. GALLINGER. I withdraw all objection. Let the clerk read it. I hope the Senator from Ohio will acquaint himself with the rule that we are violating here every day.

Mr. PAYNTER. I want to say—

Mr. BURTON. If the Senator from Kentucky will yield to me for a moment—it is to be noticed that a document in support of this bill, which is a House report, appears in the RECORD published this morning.

Mr. BRANDEGEE. That is the report of the Senate committee?

Mr. GALLINGER. Certainly.

Mr. BURTON. But the Senator from Connecticut can not make a distinction between a House document—which he himself adopts and makes a part of his remarks and makes a part of his report with a few introductory remarks—and a House report proper.

Mr. BRANDEGEE. It is repeatedly done, it is constantly done, that one body adopts the report of the other body and makes it its own committee report. This is no committee report at all that the Senator from Kentucky is seeking to have inserted in the RECORD. It is simply the views of the minority, allowed by courtesy in the House. There is no reason whatever for inserting it in the record of the Senate.

Mr. GALLINGER. I withdraw the objection.

Mr. PAYNTER. I understand the Senator has withdrawn it. The PRESIDING OFFICER. The objection is withdrawn.

Mr. PAYNTER. I want to state most distinctly that my purpose is not to delay the early disposition of this bill. I did not ask that the extract be read for that purpose, but with the view of calling the attention of the Senate to some facts that are stated in that report.

In addition to that the Senator from Connecticut referred to the testimony that was taken before the House committee, and quoted from somebody there to sustain the claim with reference to the Connecticut River. In this very report there is an opinion expressed by a very eminent engineer of this country.

Mr. BRANDEGEE. But there is no objection to the Senator having it read. The objection was withdrawn long ago.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[From the views of the minority accompanying the report of the Committee on Agriculture of the House of Representatives on House bill 11798, being Report No. 1036, 61st Cong., 2d sess.]

If anybody in the United States, or, indeed, in the whole world, is entitled to speak with authority upon the fundamental proposition of the bill under consideration it is Colonel Bixby, for the testimony before the Committee on Agriculture shows that for more than thirty years he has studied the question of forestation as related to stream flow, and has read every important paper that has been written upon it during that time in this country and in Europe. He is an enthusiastic advocate of forestry—for the sake of the forests. Colonel Bixby appeared before the Committee on Agriculture and this question was asked him:

"If you had practically unlimited means at your disposal and were charged with the responsibility of protecting the navigation of the streams flowing out of the Appalachians or the White Mountains, what proportion, if any, of the sum at your disposal would you feel warranted in spending for the purpose of maintaining the mountainous watershed in forests?"

And this was his answer:

"I might put in 1 per cent. just to see what would happen; but I would not do it with any feeling that I would really get my money's worth back."

Discussing the often-repeated assertion that the greater suddenness and height of floods in various rivers, notably in the Connecticut River, during recent years was due to deforestation, Colonel Bixby was asked to what he would ascribe this condition, and he replied:

"I should ascribe fully 95 per cent of it to the improved farms and the improved drainage, the ditches along the roadways and the nice roadways that form great big channels to lead the water along, and to the streets and sewers in the cities."

The majority of the committee have cited in their report, with much approval, the summary of a number of papers read before the navigation congress at Milan in 1905, from which it is made to appear that the opinions of all the engineers who discussed the subject were unanimous upon the point that forests exert a beneficial influence upon the regimen of rivers. That summary was read to Colonel Bixby, and he promptly replied:

"I have read the original papers, and I do not agree with the man who made the summary. The conclusions are not warranted by the papers from which they are presumed to be drawn."

And in this immediate connection, summing up the whole matter, Colonel Bixby said:

"As a result of my reading of the past twenty years, I can say that the consensus of opinion among the engineers of the world is that forestation or deforestation is a negligible factor so far as navigation is concerned."

The testimony of Colonel Bixby is strongly confirmed by the reports of other army engineers, which are on file in the War Department, and extracts from which may be seen in the hearings before the Committee on Agriculture. One of these reports is a voluminous and painstaking inquiry into the influence which deforestation has had upon the run-off of the Ohio River, prepared under the direction of Colonel Russel, who was for a long time in charge of the improvement works upon that river

with headquarters at Cincinnati. As a result of his investigation, Colonel Russel reaches the following conclusions:

"1. That the problems of run-off are still matters of theory, the probability being that forests retard run-off up to the point of saturation of the soil, with its covering of humus and waste, and that after the point of saturation has been reached there is no difference in run-off.

"2. That floods depend directly upon—

"(a) The amount of precipitation.

"(b) The temperature before and after snow and rain fall.

"(c) The route of the storm.

"3. That there is a tendency to increase in low-water depths.

"4. That the effect of deforestation in causing an increase in the frequency and intensity of floods has not been established, and as yet is indeterminate from the data at hand.

"5. That if it be later established that deforestation increases flood frequency and intensity, the effect will be found to be small upon a watershed the size of the Ohio River.

"6. That the increase in flood frequency and intensity discernible at the present time is due to the contraction of channel at certain places and the drainage of farm land and swamps."

In a similar manner Major Harts, of the United States Army, made a report upon the Cumberland and Tennessee rivers, in the course of which, referring to carefully drawn charts showing progressive deforestation of the watershed, the precipitation, and the heights of floods in the rivers, he says:

"I have examined these charts with minuteness, but can find no trace of any effect on the quantities of precipitation or on the fluctuations of stream flow that may be regarded as resulting, beyond question, from cutting off our forests. If any such effect has actually been brought about, it is so slight as to escape careful observation. The indications point in an opposite direction.

"It has been advanced, however, that some of our streams have deteriorated in navigable capacity, and that this has been in greater ratio than the diminution of rainfall in recent years, thus indicating, it is said, that forest protection is necessary. The arguments presented, when examined closely, often show evidences of 'special pleading' and a neglect of pertinent facts. They are, in other words, too often open to the criticism that they have been brought forward for the purpose of 'promoting a cause.' The tables and diagrams necessary to support such efforts are usually based on wide general deductions, presumably drawn from the best precipitation records available, which, however, as is well known, are only kept at widely distant points and are frequently not characteristic or even representative. Their accuracy is also often questioned, as a strong wind may interfere with the exactness of the quantities shown by the rainfall gauge; and at best they are far from being entirely satisfactory. The conclusions deduced from these scanty records are therefore by no means convincing. Nothing, in fact, can be more illusory than the theories sometimes derived from them, and nothing is more dangerous than to jump to wide generalizations from a few inadequate data.

"During the past few years, which have been rather 'dry' years, the high waters in both the Cumberland and Tennessee have been less in height and duration than usual, which might reasonably be expected, owing to the smaller average quantities of precipitation; but it is particularly worthy of note that the low waters were not extreme, but as a rule were higher than usual, giving better depths for navigation. Although this may be in the nature of a surprise to some, it is plainly seen on the charts and is well established by reliable records. These facts can certainly be of no use in proving that our floods are higher and our low waters lower than before the forests were attacked. If they prove anything, it should be the reverse. It may be stated broadly, and I think with positiveness, that the records of the Cumberland and Tennessee rivers do not indicate that the destruction of forests is having any noticeable effect, deleterious or otherwise, on stream flow or on precipitation."

Another important report has recently been made by Col. David Burr, who, under instructions issued by the Chief of Engineers, United States Army, made an exhaustive study of the influence of forests upon stream flow in the Merrimac River, New Hampshire and Massachusetts. The Merrimac River would seem to offer an especially instructive subject of study, for the reason that the records extend over a long period, during the first part of which there was progressive deforestation and a period of maximum cut-off about 1870-1880, followed by a period of marked reforestation that is still in progress. At the present time the area of improved agricultural lands is at least 30 per cent less and the area of lands in timber or growing up timber is at least 30 per cent greater than at the period of maximum cut-off thirty or forty years ago. The engineers, therefore, have been enabled to study the effect, if any, of deforestation and the effect, if any, of reforestation in the same area. They have also been able to study the effect, if any, upon water-power plants, as well as upon the conditions of navigation. As a result of this study, which Colonel Burr states in his report has been "long and painstaking," the following conclusions have been reached.

"(a) Data covering a period of less than forty years are, as a rule, valueless in determining general tendencies and may, or probably will, lead to the drawing of wrong conclusions.

"(b) Variations in stream flow are determined by variations in climatic conditions, including rainfall and temperature.

"(c) There has been no decrease of precipitation or rainfall in the basin with deforestation nor any increase with the progress of reforestation, long-time records of precipitation in or near the basin showing tendencies or cycles that bear no ascertainable relation to forest changes.

"(d) There is no relation apparent between variable forest conditions in the basin and the varying conditions of stream flow; that is, a material increase in forest area since 1870 does not show any beneficial effect upon the height, frequency, or duration of floods, nor upon the height, frequency, or duration of low-water stages.

"(e) There are perhaps more indications of the ill effects of forests on stream flow than there are of beneficial effects, but a definite conclusion that forests do adversely affect stream flow would be justified only by accurate records extending over a period longer than sixty years and in a watershed where the variation in forest areas is greater than 30 per cent during the same period."

In view of the unusual opportunity for the study of stream flow afforded by the conditions which have existed in the Merrimac basin, and by the long period in which accurate reports are available, these conclusions must be regarded as extremely significant.

Colonel Burr did not appear in person before the Committee on Agriculture, but by letter in response to a question whether, if charged with the responsibility of maintaining the navigability of navigable rivers flowing out of the White Mountains or the Appalachians, he would consider it necessary or advisable to expend any money for the purpose of maintaining the forestation of watersheds, he replied:

"I am unable to give a definite reply to this question in so far as it relates to other navigable rivers flowing out of the Appalachians, but if I were charged with the responsibility of maintaining the navigability of the Merrimac or of any other stream in which the conditions were essentially similar to those in the Merrimac River basin, with unlimited means at my disposal, but available only for the improvement of navigable waters, I should not consider it necessary or advisable to invest any part of such funds in the reforestation of watersheds for the purpose of assisting in improving or maintaining such streams as navigable rivers."

Gen. H. M. Chittenden, United States brigadier-general, retired, who is recognized as one of the profoundest students of this problem in the United States, in a recent paper (not an official report) made the following statement:

"The influence of forests upon stream flow is not what is generally believed. Forests do not diminish the height or frequency of great floods; there is satisfactory evidence that they increase them somewhat. Neither do they alleviate the low-water condition of great rivers; there is satisfactory evidence that they aggravate it somewhat. Forests are therefore of no real value in solving the problems of river control, and their increase or diminution will make no appreciable difference in the character or cost of works for protection against floods or the improvement of channels for navigation."

In entire harmony with the views expressed by General Chittenden and the other engineers of the army whose opinions have been quoted are the conclusions reached by Prof. Willis L. Moore, Chief of the Weather Bureau, who has made an exhaustive study of this subject. In an elaborate report upon "The influence of forests on climate and on floods," presented to the Committee on Agriculture, in the course of which the problem of rainfall and erosion is considered, as well as run-off, Professor Moore reaches the following conclusions:

"1. Any marked climatic changes that may have taken place are of wide extent and not local, are appreciable only when measured in geologic periods, and evidence is strong that the cutting away of the forests has had nothing to do with the creating or the augmenting of droughts in any part of the world.

"2. Precipitation controls forestation, but forestation has little or no effect upon precipitation.

"3. Any local modification of temperature and humidity caused by the presence or absence of forest covering, the building of villages and cities, etc., could not extend upward more than a few hundred feet, and in this stratum of air saturation rarely occurs, even during rainfall, whereas precipitation is the result of conditions that exist at such altitudes as not to be controlled or affected by the small thermal irregularities of the surface air.

"4. During the period of accurate observations, the amount of precipitation has not increased or decreased to an extent worthy of consideration.

"5. Floods are caused by excessive precipitation, and the source of the precipitation over the central and eastern portions of the United States is the vapor borne by the warm southerly winds from the Gulf of Mexico and the adjacent ocean into the interior of the country, but little from the Pacific Ocean crossing the Rocky Mountains.

"6. Compared with the total area of a given watershed, that of the headwaters is usually small and, except locally in mountain streams, their run-off would not be sufficient to cause floods, even if deforestation allowed a greater and quicker run-off. Granting, for the sake of argument, that deforestation might be responsible for general floods over a watershed, it would be necessary, in order to prevent them, to reforest the lower levels with their vastly greater areas, an impossibility unless valuable agricultural lands are to be abandoned as food-producing areas.

"7. The run-off of our rivers is not materially affected by any other factor than the precipitation.

"8. The high waters are not higher and the low waters are not lower than formerly. In fact, there appears to be a tendency in late years toward a slightly better low-water flow in summer.

"9. Floods are not of greater frequency and longer duration than formerly."

Mr. GALLINGER. I will ask by whom that minority report is signed, if the Senator pleases? Are there signatures to it?

The Secretary read as follows:

CHAS. F. SCOTT, GILBERT N. HAUGEN, W. C. HAWLEY, JOSEPH HOWELL, P. T. CHAPMAN, W. W. RUCKER, JACK BEALL.

Mr. GALLINGER. Those were 7 members of a committee of 19.

Mr. DU PONT. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Delaware?

Mr. PAYNTER. I will say to the Senator that I will be through in two or three minutes.

The PRESIDING OFFICER. Does the Senator insist upon the point of no quorum?

Mr. DU PONT. I will not.

Mr. BURTON. I think we ought to have the question settled whether we have a quorum here. I suggest the point myself, if the Senator from Delaware withdraws it.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clay	Heyburn	Scott
Bourne	Crane	Hughes	Shively
Brandegee	Curtis	Johnston	Simmons
Briggs	Depew	Jones	Smoot
Bristow	Dolliver	Kean	Stephenson
Bulkeley	du Pont	Lodge	Stone
Burkett	Fletcher	Oliver	Sutherland
Burnham	Flint	Overman	Warner
Burrows	Frazier	Owen	Warren
Burton	Gallinger	Page	Wetmore
Carter	Gamble	Paynter	
Chamberlain	Gore	Perkins	
Clark, Wyo.	Guggenheim	Purcell	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

Mr. PAYNTER. Mr. President, I will detain the Senate but a moment longer. I desire to quote from the report of the Secretary of Agriculture upon the question of the lands in the White Mountains and in the Appalachian Chain:

WHITE MOUNTAINS.

The timber lands of the White Mountains are in the main held by a few large companies, nearly all of whom are cutting extensively on the spruce stands for pulp or lumber manufacture. The plants of some of these companies represent an investment of several hundred thousand dollars. Manifestly, in negotiating for these lands, in so far as they bear uncut timber, the value of the plant must enter into the consideration. In addition, the stumpage value of spruce ranges from \$4.50 to \$6 or \$7 per thousand. This would give the best stands a value of \$75 to \$125 or more per acre.

The hard woods of the White Mountains, of which there is a large area, have not the value of spruce, nor are they as yet being extensively cut. Their stumpage value is from \$2.50 to \$4 per thousand, depending upon location, stand, and quality.

The cut-over lands have a value ranging from \$1 to \$6 or \$8 per acre, depending upon the condition of the timber growth upon them.

The question of the acquirement of timber lands by the Government has been considered with the principal owners of the region. While unwilling to dispose of their virgin timber lands, except at very high prices, they are willing to consider the sale of their cut-over lands, the lands lying too high for lumbering, and the mountain tops.

A careful study of the situation leads to the conclusion that most of the lands of these classes can be bought at an average price of \$6 per acre.

Now, as to the Appalachian Mountains:

SOUTHERN APPALACHIAN MOUNTAINS.

In the Southern Appalachians the timber lands are owned by large companies to a less extent than in the White Mountains, but even here as much as 50 per cent of many localities is under such ownership.

Timber-land owners in the Southern Appalachians are generally inclined to sell their lands to the Government at a reasonable price, regardless of whether the lands contain virgin timber or are cut over. Furthermore, many of them are favorable to the transfer of their lands, themselves retaining the right to cut and remove certain kinds of timber above specified sizes.

In considering the practicability of the Government's purchasing land for national forests in the Southern Appalachians conference has been freely had with timber-land owners, lumbermen, real-estate dealers, and title examiners. Moreover, attention has been paid to the sales which have been made during the past two years and the prices which have been paid.

The price of virgin hard-wood land varies from \$5 to \$12 per acre, depending on accessibility and kind and quality of timber. Cut-over lands are worth from \$2 to \$5 per acre, their value likewise depending upon their location and the condition of the timber growth upon them.

Mr. President, it appears from the statement of the Secretary of Agriculture that the lands proposed to be bought are largely owned by companies; that some of the land will probably cost from \$75 to \$125 per acre; that some of these companies have large plants costing several hundred dollars that would have to be bought. It looks very much like some, if not all, of these companies are willing to sell their land to the Government. Doubtless they are all strong conservationists. I do not think much of the money proposed to be expended will conduce in any material degree to protect our navigable waters. The evidence of Colonel Bixby and others strongly support this view. In addition to that, it seems to me that those to be benefited by the purchase of the land are companies with large holdings. The facts are such I can not give the bill my support.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. STONE].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. BURTON. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio [Mr. BURTON].

The motion was not agreed to.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. GALLINGER. Regular order, Mr. President.

The PRESIDING OFFICER. The question now is upon—

Mr. BURTON. Mr. President, I will address the Senate for a moment. I should have greatly appreciated the courtesy of an adjournment at this time. It is my intention to speak upon this bill at considerable length. The question is of such tremendous import, as I view it, that I can not think with complacency of the passage of this bill without thorough consideration in all its phases. I had hoped that an adjournment would be had at this time. I do not recall a case in which a Senator having made the request which I made about an hour ago, was refused the favor of an adjournment and a postponement of his remarks to the following day; but those on the other side having declined to grant that request and a motion to adjourn having been declared voted down, I shall now proceed to address the Senate. I trust, however, that during all the time in which I am speaking a quorum of the Senate will be present.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. I do.

Mr. GORE. I raise the point that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bourne	Clay	Heyburn	Scott
Brandegee	Crane	Jones	Shively
Briggs	Curtis	Kean	Smoot
Bristow	Depew	La Follette	Stephenson
Bulkeley	du Pont	Lodge	Stone
Burkett	Fletcher	Oliver	Sutherland
Burnham	Flint	Overman	Warner
Burrows	Gallinger	Page	Warren
Burton	Gamble	Paynter	Wetmore
Carter	Gore	Perkins	
Clark, Wyo.	Guggenheim	Purcell	

The PRESIDING OFFICER. Forty-two Senators have answered to their names.

Mr. BRANDEGEE. I ask that the names of absent Senators be called.

The Secretary called the names of the absent Senators.

Mr. JONES. I desire to state that my colleague [Mr. PILES] is necessarily detained from the Chamber and will be for the remainder of the evening.

Mr. OLIVER. My colleague [Mr. PENROSE] is detained from the Senate on account of sickness.

Mr. PAGE. I announce that my colleague [Mr. DILLINGHAM] is detained from the Senate by illness, and probably will not be able to be in the Senate during the remainder of the week.

Mr. BRANDEGEE. Mr. President, has the announcement been made of the call of the Senate?

The PRESIDING OFFICER. The Chair has announced that 42 Senators have answered to their names. There is not a quorum present.

Mr. BRANDEGEE. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Sergeant-at-Arms be directed to request the attendance of the absent Senators. The question is on that motion.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. JOHNSTON and Mr. HUGHES entered the Chamber and responded to their names.

Mr. SHIVELY. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana. [Putting the question.] By the sound the "noes" seem to have it.

Mr. SHIVELY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BULKELEY. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BULKELEY. I should like to inquire if, during a call of the Senate where a quorum has not been disclosed, and a call of the Senate is proceeding, any other business is in order?

Mr. LODGE. A motion to adjourn is always in order.

The PRESIDING OFFICER. The Chair understands that a motion to adjourn can be made at any time.

The Secretary resumed the calling of the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. Root]. On the motion to adjourn, I presume I am entitled to vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 13, nays 26, as follows:

YEAS—13.			
Bourne	Curtis	Jones	Stone
Bristow	Gore	Purcell	
Burton	Hughes	Shively	
Clay	Johnston	Stephenson	
NAYS—26.			
Brandegee	Clark, Wyo.	Heyburn	Simmons
Briggs	du Pont	Kean	Smoot
Bulkeley	Fletcher	La Follette	Sutherland
Burkett	Flint	Lodge	Warner
Burnham	Gallinger	Oliver	Warren
Burrows	Gamble	Page	
Carter	Guggenheim	Perkins	
NOT VOTING—53.			
Aldrich	Cullom	Lorimer	Rayner
Bacon	Cummins	McCumber	Richardson
Bailey	Daniel	McEnery	Root
Bankhead	Davis	Martin	Scott
Beveridge	Depew	Money	Smith, Md.
Borah	Dick	Nelson	Smith, Mich.
Bradley	Dillingham	Newlands	Smith, S. C.
Brown	Dixon	Nixon	Taliaferro
Chamberlain	Dolliver	Overman	Taylor
Clapp	Elkins	Owen	Tillman
Clarke, Ark.	Poster	Paynter	Wetmore
Crane	Frazier	Penrose	
Crawford	Frye	Percy	
Culberson	Hale	Piles	

So the Senate refused to adjourn.

Mr. GALLINGER. Let the order agreed to long ago be executed—

Mr. SHIVELY. There is no quorum, Mr. President.

The PRESIDING OFFICER. The Sergeant-at-Arms, the Chair supposes, is carrying out the order of the Senate.

At 6 o'clock and 47 minutes p. m., Mr. SMITH of South Carolina entered the Chamber, and responded to his name.

At 6 o'clock and 50 minutes p. m., Mr. DOLLIVER entered the Chamber, and responded to his name.

Mr. STONE. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The PRESIDING OFFICER [Mr. KEAN in the chair]. The Senate is under an order requesting the attendance of Senators, and no motion to take a recess is in order.

Mr. STONE. I ask unanimous consent, if it is necessary, to vacate the order, and that we take a recess until 10 o'clock to-morrow morning.

The PRESIDING OFFICER. What is the request of the Senator?

Mr. STONE. To vacate the order and take a recess until 10 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent to vacate the order by which the Sergeant-at-Arms was directed to request the attendance of absent Senators.

Mr. BRANDEGEE. Has a quorum developed, Mr. President?

The PRESIDING OFFICER. A quorum has not developed.

Mr. BRANDEGEE. I object.

The PRESIDING OFFICER. Objection is made.

Mr. STONE. I should like to ask if a motion to adjourn or to take a recess is not in order while the order directing the Sergeant-at-Arms to notify Senators and bring them in is operating.

The PRESIDING OFFICER. The only motion, the Chair—

Mr. LODGE. A motion to take a recess is not in order in the absence of a quorum.

The PRESIDING OFFICER. That is correct.

Mr. LODGE. The only motion in order is a motion to adjourn.

The PRESIDING OFFICER. A motion to adjourn is not in order at the present time, because such a motion has already been voted down and no business has intervened.

Mr. BURTON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BURTON. Is a motion to vacate the order that the Sergeant-at-Arms bring in absentees in order?

The PRESIDING OFFICER. A request for unanimous consent to that effect was made, and it was objected to.

Mr. BURTON. Can the motion be made?

The PRESIDING OFFICER. The Senator can make the motion. The Chair of course—

Mr. BURTON. I do not say that I intend to make it, but I ask just as a matter of general information.

The PRESIDING OFFICER. The Chair supposes it is in order.

Mr. GALLINGER and others. Regular order!

Mr. PURCELL. I move that the Senate adjourn.

The PRESIDING OFFICER. No business has intervened since the last motion.

Mr. PURCELL. No business can intervene, because there is no quorum to do business with.

Mr. LODGE. Pending the execution of the order and when no quorum is present, no motion is in order except a motion to adjourn, and of course there being no possibility of intervening business, the motion to adjourn is not kept out, as it is under the general situation when intervening business is required before a motion to adjourn can be made; that is, when a quorum is present business must intervene, but it is obvious that when no business can intervene a motion to adjourn can be renewed. Otherwise the Senate is in a position where it can not even adjourn.

Mr. PAGE. I should like to ask if it would not be parliamentary at this stage of the proceedings to move to vacate the order which is now pending.

The PRESIDING OFFICER. The Chair supposes that a motion is in order that further proceedings under the call be dispensed with.

Mr. PAGE. I move that further proceedings under the call be dispensed with.

Mr. SHIVELY. I make the point of order that that motion is not in order until a quorum shall have appeared.

The PRESIDING OFFICER. The Chair holds that it is in order.

Mr. GALLINGER. The Sergeant-at-Arms has not reported. I think it is the duty of the Sergeant-at-Arms to make a report to the Senate.

Mr. BURTON. The whole theory of parliamentary procedure in regard to this matter is that less than a quorum can adjourn, and they can act in all matters pertaining to the securing of a quorum or vacating an order. There is no doubt as to that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to vacate the order instructing the Sergeant-at-Arms to request the attendance of absent Senators.

Mr. PURCELL. I make a motion to adjourn.

Mr. GALLINGER. That is not in order.

Mr. LODGE. It is perfectly clear that under the rule a motion to vacate is not in order. The rule is absolutely explicit. Pending the execution of the order and until a quorum is present, no motion is in order except a motion to adjourn. The rule is absolutely explicit.

Mr. BURTON. Then I move that the Senate do now adjourn. The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn.

Mr. GALLINGER. Pending that, I will inquire how many Senators have answered to their names.

The PRESIDING OFFICER. Forty-six Senators have answered to their names.

Mr. BURTON. I wish also to suggest that quite a number of those who have answered have left the Chamber.

Mr. STONE. Mr. President, is a parliamentary inquiry in order at this stage?

The PRESIDING OFFICER. It is.

Mr. STONE. I submitted an amendment to the pending bill providing for a survey, and so forth, of certain lands in Missouri, Arkansas, and Louisiana. I have been informed that that—

Mr. LODGE. I think all debate is out of order under the rule.

The PRESIDING OFFICER. Debate is not in order.

Mr. STONE. I am not debating. I want to know the status of that amendment. I want to know if it has been acted upon.

The PRESIDING OFFICER. Debate is not in order. That is not a parliamentary inquiry.

Mr. STONE. It is not debate, then.

The PRESIDING OFFICER. The Senator is not in order. The question is on the motion of the Senator from Ohio that the Senate adjourn. [Putting the question.] The yeas appear to have it.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The motion is not agreed to. The Senate refuses to adjourn.

Mr. OWEN entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. GALLINGER. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 7 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Friday, June 24, 1910, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 23, 1910.

The House met at 12 o'clock noon.

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

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

CORRECTION.

Mr. CURRIER. Mr. Speaker, in the second column of page 8776, in two places, a case which I cited is called the Veddar case when it should be the Berdan case, and at the bottom of page 8769 there should appear a quotation from the report of the American Bar Association, which I read to the committee during the consideration of the bill yesterday, and which was inadvertently omitted from the RECORD, as follows:

The status of a patent as private property, which even the Government is prohibited from taking for public use without compensation (amendment to the Constitution, Article V), has been declared and redeclared in many opinions by the Supreme Court of the United States. (McKeever v. United States, 14 Ct. Cls., 396; affirmed, S. C., 18 Ct. Cls., 757; James v. Campbell, 104 U. S., 356; Hollister v. Benedict & Burnham Manufacturing Co., 113 U. S., 346; Belknap et al. v. Schild, 161 U. S., 10, and numerous other cases.)

But it has been held, also, that in the absence of an express contract between the owner and the Government, or of transactions between them from which an agreement by the Government to pay a reasonable royalty must be implied, the patentee has no remedy at law or by executive action, and must obtain relief, if at all, by appeal to Congress. (Schilling v. United States, 156 U. S., 103; Russell v. United States, 182 U. S., 516; Bigby v. United States, 188 U. S., 400; McKeever v. United States, 14 Ct. Cls., 396; Butler v. United States, 23 Ct. Cls., 335; Eager v. United States, 35 Ct. Cls., 556.) With respect to tangible property, such as real estate, the courts have implied an agreement by the Government to make reasonable compensation for property taken from the mere act of appropriation. In United States v. Lunah (188 U. S., 445) it appeared that certain lands were overflowed in consequence of improvements made by the Government in a navigable river. The court held that this was a taking of private property for public use and that the owner was entitled to recover compensation for it in an action brought in the Court of Claims under the act of March 3, 1887, known as the Tucker Act. But the courts have assumed a very different attitude toward patents, holding that one claiming royalty must show (1) his ownership of the patent, (2) the beneficial use by the Government of the patented invention, and (3) that the taking and use of his invention occurred, with the patentee's consent, by order of a responsible official of the Government, and with the distinct understanding that reasonable royalty should be paid for such use of the invention as the Government might see fit to make.

The SPEAKER. Without objection, the RECORD will be corrected.

There was no objection.

OVERTIME PAY OF LETTER CARRIERS.

Mr. PRINCE. Mr. Speaker, I desire to call up the conference report from the Speaker's table on the bill (S. 3638) entitled "An act to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation."

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3638) entitled "An act to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

GEO. W. PRINCE,

C. A. LINDBERGH,

H. M. GOLDFOGLE,

Managers on the part of the House.

HENRY E. BURNHAM,

REED SMOOT,

Managers on the part of the Senate.

Mr. PRINCE. Mr. Speaker, I move the adoption of the report.

Mr. MANN. I would like to ask the gentleman what the agreement is in reference to the amendment that the House put on that bill as to attorneys' fees.

Mr. PRINCE. The Senate receded and accepted the amendment as proposed by the House.

Mr. MANN. I wish to congratulate the gentleman and the House conferees.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

PUBLIC BUILDINGS BILL.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 26987, the public buildings bill, non-concur in the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent to take from the Speaker's

table the public buildings bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Speaker announced the following conferees: Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. THOMAS of North Carolina.

CONTESTED-ELECTION CASE OF GALVIN V. O'CONNELL.

Mr. KNAPP. Mr. Speaker, I call up House resolution No. 792.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 792.

Resolved, That J. Mitchell Galvin was not elected a Member of the Sixty-first Congress from the tenth district of the State of Massachusetts.

Resolved, That Joseph F. O'Connell was elected a Member of the Sixty-first Congress from the tenth district of the State of Massachusetts, and is entitled to a seat therein.

Mr. KNAPP. Mr. Speaker, I will ask that the reading of the report be waived, and I will make a statement. The report is a unanimous one from the Committee on Elections No. 1; and, in order not to consume the time of the House, I will say that after considering all the evidence, and argument, and the brief in the case, the committee came unanimously to the conclusion that the question of fraud is not involved; that there was a recount of votes by a bipartisan board in full and complete compliance with the laws of the State of Massachusetts governing such recount.

The decision of the recount board was that there was no question as to the result announced. Further than that, the evidence does not establish proof or presumption that a recount by the committee of the House would change the result or set aside the returns made by the sworn officers of the law. I therefore move the adoption of the resolution.

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

Mr. KNAPP. I ask unanimous consent that the report be printed in the RECORD.

The SPEAKER. The Chair hears no objection.

The report is as follows:

J. MITCHELL GALVIN V. JOSEPH F. O'CONNELL.

The Committee on Elections No. 1, to whom was referred the contested-election case of J. Mitchell Galvin v. Joseph F. O'Connell, from the Tenth Congressional District of Massachusetts, beg leave to make the following report:

The Tenth Congressional District of Massachusetts is composed of wards 13, 14, 15, 16, 17, 20, and 24 of the city of Boston, the city of Quincy, and the town of Milton. At the general election held in this district on the 3d of November, 1908, four candidates for Representative in Congress were voted for, namely: Joseph F. O'Connell, Democrat; J. Mitchell Galvin, Republican; Hazard Stevens, Free Trader; and Charles J. Kidney, Independence League.

There is nothing in the record of the case showing the aggregate number of votes cast for either of the candidates at said election, except on a recount held under and in compliance with the laws of Massachusetts on the 9th and 10th of November, 1908. On this recount the total number of votes returned for each candidate was as follows: Joseph F. O'Connell, 16,553; J. Mitchell Galvin, 16,549; Hazard Stevens, 1,380; Charles J. Kidney, 1,187, making a plurality of 4 for Joseph F. O'Connell.

Subsequent to this recount and on the 3d of December, 1908, the contestant, Mr. Galvin, duly served notice of contest on Mr. O'Connell, alleging in formal notice of contest that in certain wards and precincts of the cities of Boston and Quincy and in the town of Milton ballots had been wrongfully counted for the contestee and against him, the contestant. On the 31st day of December, 1908, the contestee served a reply, denying the contestant's allegations and in turn claiming in formal notice that in certain other wards and precincts in the cities of Boston and Quincy and in the town of Milton ballots were wrongfully counted for the contestant and against him, the contestee. Subsequently and on the 22d day of January, 1909, the contestant served a second notice, supplementing the original notice, which specified certain additional wards and precincts in which errors were alleged to have been made in the count. To this notice the contestee objected, as it was not filed within the time provided by law. These notices, both upon the part of the contestant and contestee, were formal notices, without specifying errors of count as to individual ballots, alleging only in general terms that ballots had been erroneously or wrongfully counted. Neither did the notices contain allegations of fraud, except the first notice of the contestant, which allegation was thereafter, as clearly appears in the record of the case, abandoned, so that the question of fraud does not appear in this case.

Subsequent to this and on the 27th day of January, 1910, your committee gave a full hearing in the case, at which both parties in the case were present and represented by counsel, and exhaustive arguments made by counsel on behalf of both parties.

The contestee in this case questions the jurisdiction of the committee, alleging that the evidence taken in this case was not filed with the Clerk of the House of Representatives within the time prescribed by the statute for such filing. Revised Statutes, section 127, provides:

"All officers taking testimony to be used in a contested election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail or express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C."

It has been repeatedly held that the acts of Congress relating to the conducting of contested election cases are directory and not mandatory. They are to be construed more with reference to the substantial rights of the parties than to the exact wording of the statutes. (See McCrary on Elections, 3d ed., secs. 337, 338.) The taking of the contestant's

testimony was completed late in January, 1909, and was not mailed to the Clerk of the House of Representatives until the first week in August, 1909; but there was no wrong intent shown for the delay and as neither party was deprived of any material right by reason of such delay, the committee refused to entertain this technical objection and assumed jurisdiction of the case.

The contestee also objects to the second notice for the taking of testimony served by the contestant on January 22, 1909, as not being served on the contestee within the period prescribed by the statute.

In view of the fact that the evidence in this case does not disclose for whom any of the individual ballots contained in the precincts questioned in the second notice were counted, or that they were not correctly counted, and further, and especially in view of the conclusion finally reached by the committee as to a recount by the committee and the House of all ballots in question, the committee does not deem it necessary to pass specifically upon this objection as it applies to this case.

The contention in this case is as to alleged error in judgment in the counting of the ballots; on the part of the contestant, that all of the ballots in certain wards and precincts, aggregating in number about 1,250, should be ordered and recounted by the committee and the House; on the part of the contestee, that if this contention of the contestant be allowed, ballots in certain other wards and precincts in said district, aggregating in number about 1,400, should be so ordered and recounted, but with a separate and distinct contention that none of the ballots should be so ordered for recount; and if any are so ordered, the whole number of ballots, aggregating in number 35,669, should be so ordered and recounted. The proof on which these contentions are based does not disclose any fraud or for whom any of these ballots were counted except 6, which will be hereafter referred to, and which if allowed as claimed by the contestant would not change the result of the election in this case.

It is the opinion of the committee that if on the evidence submitted it would be reasonable to suppose that there was error in judgment in the counting of the ballots cast in the wards and precincts mentioned by the contestant and contestee, it would be equally reasonable to assume that there were errors in judgment in the counting of the ballots in the remaining wards and precincts, and that, if any, all of the ballots cast at said election, aggregating 35,669, should be ordered for recount by the committee and the House.

It is a principle well established that when, under all forms of law, a person has been duly returned and certified as elected to Congress it is presumed that the election officers have done their duty and the count is correct. To justify the committee in ordering a recount there should be a case made out that would warrant the presumption of fraud, or still more, in the case of an alleged mistake or error of judgment in the counting of ballots, a case made out that would clearly justify the presumption that a mistake had been made that would set aside the return. In other words, there must be evidence and proof other than that of speculative possibility.

The election laws of Massachusetts, which are well calculated to insure an intelligent expression on the part of the voter and to guard against fraud and to insure a correct count and certification of the result, provide for a recount board in the case of disputed elections. That board, under the provisions of the law, is made bipartisan.

Section 78 of the Revised Election Laws of the State of Massachusetts, chapter 560 of the acts of 1907, provides that the election department of Boston shall be in charge of the election commissioners, consisting of four citizens of Boston, and section 79 of the same act provides that "said board shall be so selected that two members shall always belong to each of the two leading political parties. This board, in case of disputed elections, constitutes a recount board, and in the case of a tie vote in the board the deciding vote is cast by the chief justice of the municipal court of the city of Boston.

Sections 24, 25, 26, and 27 provide for boards of registrars in cities, other than Boston, and in towns, who, in matters of disputed elections, constitute a recount board. In some cases the registrars include the city or town clerk, but in all cases said board "is so constituted as to represent the two leading political parties at the preceding election, and in no case shall said board consist of more than two members, who, including the city or town clerk, are of the same political party."

The evident intention of the law, as it applies both to Boston and the other cities and towns, is to make the boards, as they are in reality, bipartisan boards.

The record of this case establishes the fact that upon the application of the contestant, within the date prescribed by law, duly concurred in by the contestee, a recount of all the ballots cast in the pending case was made by such recount boards, and the return determined was by the unanimous decision of said boards.

The election laws of the State of Massachusetts, section 300, provide as follows:

"SEC. 300. If, on or before 5 o'clock on the third day next succeeding the day of an election in a ward of a city or in a town, 10 or more voters of such ward or town, except Boston, and in Boston 50 or more voters of a ward, shall sign in person, adding thereto their respective residences on the 1st day of May of that year, and cause to be filed with the city or town clerk, or in Boston with the election commissioners, a statement sworn to by one of the subscribers that they have reason to believe and do believe that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or in case of a town not voting by precincts, by the election officers of such town, are erroneous, specifying wherein they deem them to be in error and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election, specifying the candidates, or will affect the decision of a question voted upon at such election, specifying the question, the city or town clerk shall forthwith transmit such statement and the envelopes containing the ballots, sealed, to the registrars of voters, who shall, without unnecessary delay, open the envelopes, recount the ballots, and determine the questions raised; but upon a recount of votes for town officers in a town in which the selectmen are members of the board of registrars of voters, the recount shall be made by the moderator, who shall have all the powers and perform all the duties conferred or imposed by this section upon registrars of voters.

"The registrars of voters, or in Boston the election commissioners, shall, before proceeding to recount the ballots, give notice in writing to the several candidates interested in such recount and liable to be affected thereby, or to such person as shall be designated by the petitioners for a recount of ballots cast upon questions submitted to the voters, of the time and place of making the recount, and each such candidate or person representing petitioners shall be allowed to be present and witness such recount, either in person, accompanied with counsel if he so desires, or by an agent appointed by him in writing. In the case of a recount of the ballots cast upon a question submitted to the voters, one representative from any committee organized to

favor or to oppose the question so submitted shall be permitted to be present and witness the recount. In the city of Boston, the chairman of the city committee representing the largest political party and the chairman of the city committee representing the second largest political party may in writing designate two persons, or such further number as the election commissioners may allow, to be present and witness the count, and said election commissioners shall allow each candidate whose election is in question, or his representative, to be present and may allow representatives of other political parties and other persons to be present and witness the recount.

"All recounts shall be upon the questions designated in the statements filed, and no other count shall be made, or allowed to be made, or other information taken, or allowed to be taken, from the ballots on such recount.

"The registrars of voters or election commissioners shall, when the recount is complete, inclose all the ballots in their proper envelopes, seal each envelope with a seal provided for the purpose, and certify upon each envelope that the same has been opened and again sealed in conformity to law; and shall likewise make and sign a statement of their determination of the questions raised. The envelopes, with such statement, shall, except in Boston, be returned to the city or town clerk, and the clerk or commissioners shall alter and amend such records as have been found to be erroneous in accordance with such determination; and the records so amended shall stand as the true records of the election. Such amended records of votes cast at a state election shall be made and transmitted as required by law in the case of copies of original records."

As stated above, a recount was had in this case upon the application of the contestant, Mr. Galvin, duly made and concurred in by the contestee, Mr. O'Connell, on the 9th and 10th of November, 1908. At such proceedings all of the ballots cast at the congressional election on November 3, 1908, were recounted, the privilege as provided by the law above referred to being extended to both the contestant and the contestee of personal presence and representation by counsel, and also committee representation as provided in the law, the counsel having full right to question any ballots and have the same submitted for full examination and determination by the boards of recount. These privileges were granted to both the contestant and the contestee and by them availed of in this case. They, by personal presence or through representatives and able counsel, witnessed the recount, questioned ballots and had the same passed upon by the recount boards. In fact, it is conceded that the forms of law governing a recount were fully complied with, and the privileges and rights under such law governing such recount were fully and impartially granted to both the contestant and the contestee. The result of this recount so made by bipartisan boards was, in each case and in the aggregate return made, unanimous, and was as follows: O'Connell, 16,553; Galvin, 16,549; Stevens, 1,380; Kidney, 1,187.

The character, integrity, or experience of the recounting boards in this case is not brought in question. In fact, the learned counsel for the contestant in his brief in rebuttal of the contestee's brief, at page 2, in speaking of the recount board, said:

"We have no criticism to make of the recounting boards of Quincy and Milton, still less of that of Boston, and we therefore pass by the innuendo insinuated by the contestee; but 'to err is human,' and the number of ballots badly marked or on the border line was great."

The evidence in this case clearly establishes the fact that the personnel of the recount boards were men of character and standing and some of them of long and wide experience in the duties of their respective positions, and there is nothing disclosed in the evidence which goes to challenge the character and experience of those who conducted the recount, and it is virtually conceded in the record of the case and the arguments of counsel that there was no fraud connected with the recount, but that it was conducted in full and free compliance with the laws of Massachusetts governing the recount of votes.

It is a rule well established that election officers are presumed to have done their duty except when it is otherwise clearly proven. In *Frost v. Metcalf* (Ellsworth's Election Cases, vol. 1, pp. 290, 291) the committee, in passing upon the question as to whether certain voters were legal voters and whether certain votes contested were counted, observes:

"The testimony tends in that direction, but it is not of that character, clear and conclusive, which ought to overrule the sworn acts of the officers of the law, whose duty it was on that day, then and there, to make all inquiries and form correct judgment. The law presumes they did."

In *Boynnton v. Loring* (Ellsworth's Election Cases, vol. 1, p. 350) the committee said:

"The presumption that the sworn officers of the law have done their duty must obtain until the contrary clearly appears."

In *McDuffie v. Davidson* (Moble's Digest of Election Cases, p. 581) the committee said:

"The presumption is that officers charged with ascertaining and declaring the result of election have faithfully performed their duty."

McCrary, in his *Treatise on Elections*, third edition, section 480, says:

"The rule is that the return must stand until impeached; i. e., until shown to be worthless as evidence, so worthless that the truth can not be deduced from it."

OTHER REMEDIES.

The revised election laws of Massachusetts, sections 209 and 455 of the acts of 1907, clothe the supreme court with ample power to have passed upon this case and the question of the correct counting of the ballots and the determining of the result could have been submitted to this tribunal. Also by sections 280, 281, and 299 of the same law, the matter could have been presented to have been passed upon by the governor and council before the certificate of election would have been issued. It is true that it was not necessarily incumbent upon the contestant in this case to avail himself of either of these remedies, but nevertheless, it is a fact that they existed and of which he could have availed himself before serving notice of contest had he so desired.

Subsequent to this recount by the bipartisan boards, notice of contest was duly served by the contestant and reply made by the contestee. Under and by virtue of these notices evidence was taken in this case and there were examined in all 7 witnesses, of whom 3 were examined on the part of both the contestant and the contestee. This evidence is characterized by a marked absence of proof that ballots were wrongfully counted. In the taking of the evidence a few ballots were questioned as a basis for the contention on the part of the contestant that about 1,250 ballots should be ordered for recount by the committee and the House, and a few ballots on the part of the contestee as a basis for his contention that about 1,400 ballots, or in reality all the ballots, should be ordered and recounted. Of all these ballots, including those questioned and those requested to be ordered

for recount, but 6 were identified as to for whom they were counted, 5 being counted for Galvin and 1 for O'Connell; and as the evidence shows, were so counted and allowed by the bipartisan recount boards, any recount of which by the committee and the House could not result in the election of the contestant.

The election laws of the State of Massachusetts (acts of 1907), under which this election was conducted, provide for an official ballot, and candidates for the same office are grouped under the same designation, and section 231 provides:

"Ballots should be so marked as to give each voter an opportunity to designate by a cross (X) in a square at the right of the name and designation of each candidate * * * his choice of candidates"

The evidence in this case shows, as stated above, that some ballots, as occurs in nearly every election, were indistinctly marked by the voter in the square at the right of the candidate's name, and by the contestant made the basis for the conjecture that ballots in different blocks, aggregating in number about 1,250, might have been wrongfully marked and the contention that they should be ordered for recount. On the part of the contestee, the selection of other ballots indistinctly marked by the voter was made the basis for the conjecture that ballots in different blocks, aggregating about 1,400, might have been wrongfully counted and the contention that such votes should be ordered for recount, and also the separate and distinct contention that if any of the ballots are ordered for recount, the whole 35,669 should be so ordered. But all of this without any proof on the part of the contestant or the contestee for whom any of the individual ballots, except the six above referred to, were counted, or that they were not counted as the respective parties claimed they should be, or that they had been wrongfully counted.

If it be claimed that to identify for whom an individual ballot was counted would be difficult, it may be answered that a careful examination of the laws and practices governing recounts in the State of Massachusetts, together with the fact that on the recount in this case individual ballots were questioned and identified for whom they were counted, leads the committee to the conclusion that it was the privilege of the respective parties on such recount to question any ballot, have the same examined and passed upon and counted, and to have the same identified for whom such ballot was counted.

This conclusion is confirmed by the evidence of John M. Minton, who has been chairman of the board of election commissioners of Boston for eight years, in his testimony on page 25 of the evidence. The following questions were asked by Mr. Walcott, counsel for the contestant, and answers made:

"Q. Do you know of any law requiring an election commissioner to do it?—A. I know of no law making it mandatory.

"Q. Then the writing of any statement on the ballot is purely at the discretion of the election commissioners?—A. I should say so. If the counsel on either side request to have a ballot identified in order that an issue may be brought before a court or legislative body, I believe the election commissioners have the right to identify that ballot."

It must be borne in mind in connection with this case that the certificate of election is not based on the first return of the election inspectors, but is based upon the unanimous finding of bipartisan recount boards whose character and experience warrant the assumption that they were well qualified for the duties of their positions, and that their experience and familiarity in the counting of ballots justifies the belief that they are specially well qualified to make a correct count of the ballots. Certainly their return should stand until invalidated by proof.

It is the unanimous opinion of the committee that the evidence in this case does not warrant the committee or the House in ordering the ballots for a recount, and that to so order them would be to establish such a precedent as would not be justified in contested-election cases. The result of such precedent would be not only to invite election contests in cases where certificates of election were based upon small majorities, but would also enable the contestant or contestee to single out a few ballots indistinctly marked, without proof either for whom they were counted or that they were not counted, as claimed by the respective parties they should be, or that they were wrongfully counted, and on such speculative evidence make Congress a recount board of all ballots cast. In other words, it would be reversing a rule confirmed by a long line of precedents that to justify a recount of ballots by Congress there must be such proof given or case made out as will establish a presumption of fraud or that there has been error or wrongful counting of ballots as would set aside or reverse the return made.

The case of Kahn v. Livernash, Fifty-eighth Congress, second session, as shown by the contestee's brief in that case, the proceedings before the committee and the report were as to the counting of illegal ballots, with a certainty as to for whom the ballots had been counted. Even in that case, where it was definitely shown by the evidence for whom the ballots were counted, the committee expressed grave doubt as to the propriety of ordering them before the House for a recount.

In the case of Cross v. McGuire, Fifty-eighth Congress, second session, the committee held that a motion to produce certain ballots was not sufficient to warrant their being ordered produced, on the ground that it was not substantiated by proof.

In the case of Michalek v. Sabath, Sixtieth Congress, first session, the committee decided that if ballots were produced and were as described they could not be considered as evidence of fraud or conspiracy justifying the rejection of the count unless other evidence was submitted showing conspiracy, fraud, carelessness, or ignorance; and as no such evidence appeared, the application for their production was denied.

In the case of Larrazola v. Andrews, Sixtieth Congress, second session, the committee in its report says:

"It is proper to say that neither of the parties to this contest charges the other with any participation in or knowledge of fraud, and there is no evidence connecting either of them with any fraud. * * *

"When, under all the forms of law, a person has been duly returned and certified as elected to a seat in Congress, the legal presumption is that the sworn officers of the law have performed their duties and the returns are correct. In order to successfully impeach that return, the contestant must do more than raise doubts as to its correctness. Upon him there rests the burden of proving the falsity or error of that return. The proof offered in this case is not sufficient for that purpose."

After a careful examination of the evidence in this case, and also of the briefs and arguments submitted by the counsel for the contestant and contestee, the committee are unanimously of the opinion that the evidence in this case falls to show for whom any of the individual ballots except 6 were counted, a recount of which could not result in the election of the contestant; that the evidence fails to establish proof or a presumption that the ballots questioned were not counted as the

respective parties claim they should have been counted or that there was error in the counting of such ballots; that the evidence fails to establish proof or a presumption that a recount of said ballots by the committee or the House would change the result or set aside the return made by the sworn officers of the law.

Therefore, your committee respectfully recommend the adoption of the following resolutions:

"Resolved, That J. Mitchell Galvin was not elected a Member of the Sixty-first Congress from tenth district of the State of Massachusetts.

"Resolved, That Joseph F. O'Connell was elected a Member of the Sixty-first Congress from tenth district of the State of Massachusetts, and is entitled to a seat therein."

MESSAGE FROM THE SENATE.

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

H. R. 16877. An act to amend section 4421 of the Revised Statutes of the United States as amended by the act of June 11, 1906;

H. R. 26987. An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes;

H. R. 18398. An act to aid in the reclamation of arid and semi-arid lands of the United States;

H. R. 24992. An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes;

H. R. 26349. An act to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across the St. Marys River;

H. R. 14760. An act to authorize and direct the President of the United States to place upon the retired list of the United States Navy Lieut. Commander James H. Reid, with the rank of commander; and

H. R. 2250. An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 18176) making an appropriation for the survey of public lands lying within the limits of land grants to provide for the forfeiture to the United States of unsurveyed land grants to railroads, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEYBURN, Mr. DIXON, and Mr. HUGHES as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5786) to establish postal savings depositories for depositing savings at interest with the security of the Government thereof, and for other purposes.

The message also announced that the Vice-President had appointed Mr. OLIVER, Mr. HEYBURN, and Mr. RAYNER members of the joint committee on the part of the Senate to confer with the fiftieth anniversary of the battle of Gettysburg commission in compliance with concurrent resolution of the House of Representatives numbered 47, Sixty-first Congress. The House of Representatives was requested:

S. J. Res. 107. Joint resolution limiting the editions of the publications of the Bureau of Mines.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 21090. An act authorizing the President of the United States to appoint Commander Kenneth McAlpine a commander in the navy on the active list;

H. R. 19499. An act for the relief of George Drake and Lillie Nelson;

H. R. 8913. An act to provide for the time and places for holding of the regular terms of the United States circuit and district courts for the western district of the State of Oklahoma, and for other purposes;

H. R. 8667. An act for the relief of Larnie Dean and James Dean;

H. R. 12434. An act to make uniform the salaries of United States district attorneys and marshals in Texas;

H. R. 20148. An act to provide for an additional judge of the district court for the eastern district of New York; and

H. J. Res. 164. Joint resolution construing section 6 of the act of May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes."

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26730) making appropriations to supply deficiencies in the appropriations for the fiscal year 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. GALLINGER, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Senate concurrent resolution 37.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6719) to provide for the sittings of the United States circuit and district courts of the eastern division of the eastern district of Arkansas at the city of Jonesboro, in said district.

The message also 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 House to the bill (S. 3638) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 50.

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice-President and President of the Senate in signing the enrolled bill H. R. 2272, "An act for the relief of John A. Brown," be rescinded, and that in the reenrollment of the bill the following amendment be made, to wit:

Strike out all after the enacting clause and insert the following: "That in the administration of the pension laws John A. Brown, who served on the U. S. S. New Ironsides until March 31, 1865, shall hereafter be held and considered to have been honorably discharged from the naval service on that date."

CONTESTED-ELECTION CASE OF HENRY C. WARMOTH V. ALBERT ESTOPINAL.

Mr. KOPP. Mr. Speaker, I call up House resolution 793, in the contested-election case of Henry C. Warmoth v. Albert Estopinal, First Congressional District of Louisiana.

The resolution was read, as follows:

House resolution 793.

Resolved, That Henry C. Warmoth was not elected a Member of the Sixty-first Congress from the First Congressional District of Louisiana, and is not entitled to a seat therein.

Mr. KOPP. Mr. Speaker, in this case the report of the committee is unanimous. I take it that there is no one that desires further information than that contained in the report, and I therefore ask unanimous consent that it may be printed in the RECORD as part of my remarks.

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

The report is as follows:

HENRY C. WARMOTH V. ALBERT ESTOPINAL.

The Committee on Elections No. 1, to whom was referred the contested-election case of Henry C. Warmoth, contestant, v. Albert Estopinal, contestee, from the First Congressional District of Louisiana, after having heard Clarence S. Hebert, counsel for contestant, and also the contestant in his own behalf, and Corry M. Stadden, counsel for contestee, and after having carefully considered the briefs of the respective parties, beg to report as follows:

At the general election held the 3d day of November, 1908, in said first district of Louisiana, Henry C. Warmoth, contestant, received 1,916 votes, and Albert Estopinal, contestee, received 13,923 votes, and contestee duly received a certificate of election from the secretary of said State of Louisiana.

The notice of contest served and filed by the contestant bases the contest on the following grounds:

First, that the contestee, Albert Estopinal, obtained his nomination in pursuance of and under a primary-election law known as act 49 of the laws of 1906, which said act, so far as section 9 (providing for qualifications of voters and candidates at primary elections) is concerned, "is in contradiction and defiance to the constitution of the State of Louisiana and of the fifteenth amendment of the Constitution of the United States" and is therefore "unconstitutional, null, and void;" that every act leading up to nomination was "null and void, and every ballot cast for the contestee at the election November 3, 1908, was null and void." Second, that contestant was regularly and legally nominated as the candidate of the Republican party; that as such candidate he received many legal votes—

"and that as the votes cast for the contestant were the only legal votes cast in said election, contestant, upon the face of returns is entitled to the seat in the Sixty-first Congress of the United States to which the contestee has been returned."

It is not even charged by the contestant that the election was not held in a fair and impartial manner, nor that fraud was committed, or a mistake or error made in counting the ballots. The only claim is that, inasmuch as the nomination of the contestee was obtained under an alleged unconstitutional primary law, the votes cast for him at the election held thereafter were void. It is true that in the notice of contest, referring generally to the election laws of the State of Louisiana, contestant alleges:

"The contestant further shows that the entire election machinery in the State of Louisiana, including the contest of party nominations, the preparation of ballots, and the distribution of said ballots, and the

appointments of commissioners of election, the count and canvass of votes, the compilation and promulgation of returns—in fact, every detail—is vested by unequal, unjust, and unconstitutional laws in the hands of partisan Democrats and Democratic boards, with the result that Republican and every form of opposition is gradually being counted out of existence in the State of Louisiana; and that said unequal, unjust, and unconstitutional laws have been declared, and the courts of Louisiana have maintained the proposition that there is not even an appeal to the courts for redress from the action of the said partisan boards, and it has become an accepted Democratic doctrine in Louisiana that there is 'no going behind the returns.'"

But as the record contains no legal evidence as to this allegation the committee pass no opinion thereon.

At the election held there is no doubt but that the contestant, Henry C. Warmoth, was not elected. He asks, however, if the committee finds that he was not elected, to also find that ALBERT ESTOPINAL was not elected, because no legal election was held. Said act 49 of the laws of 1906, as amended, among other things provides that persons desiring to become candidates for Representatives in Congress shall file their written notification with the secretary of state within the time designated by the congressional committee of the party holding the primary, and deposit at the time of filing the sum of \$250.

Section 28 of said act provides: "Be it further enacted, etc., That in the event that after the date has passed on which candidates are allowed to enter and file their notification in any primary under this act it shall be found that there be but one candidate for any particular office for which the primary has been called, the respective committee ordering said primary shall then be immediately convened, and the person so entering and being thus unopposed shall be declared to be the nominee of the party that has ordered said primary for the particular office for which he has offered, without the necessity of holding a primary election for said office."

The Democratic primary was called as provided, but inasmuch as Albert Estopinal, contestee, was the only person filing as a candidate for Representative in Congress the primary was dispensed with in the manner provided by law, and said Albert Estopinal was declared the nominee of the Democratic party. The Republican primary was also called as provided, but inasmuch as Henry C. Warmoth, contestant, was the only person filing as a candidate for Representative in Congress the primary was dispensed with in the manner provided by law, and said Henry C. Warmoth was declared the nominee of the Republican party. No primary election was, in fact, held by either party. The only question involved, then, in this contest is the validity and constitutionality of the primary election law of the State of Louisiana. Your committee does not feel called upon to pass upon this question, for two reasons: First, the said primary election law has been passed upon in *Labauve v. Michel* (121 La., 374) and held constitutional. It is now charged by contestant that said law "is in contradiction and defiance of the fifteenth amendment of the Constitution of the United States, and is therefore null and void," and that the election laws of the State are unconstitutional. The constitutionality of the election law of the State of Louisiana has never been tested, and so we must assume that the same is constitutional and valid.

Borrowing the language of the committee in the case of *Dantzer v. Lever* in the Fifty-ninth Congress, it may be said:

"However desirable it may be for a legislative body to retain control of its decisions as to the election and qualifications of its members, it is quite certain that a legislative body is not the ideal body to pass judicially upon the constitutionality of the enactments of other bodies. We have in this country a proper forum for the decision of constitutional and other judicial questions."

A person aggrieved can bring a suit in the proper tribunal for redress, and "that suit can be carried by him, if necessary, to the Supreme Court of the United States. * * * The decision of the Supreme Court would be binding and would be a positive declaration of the law of the land, which could not be denied or challenged. On the contrary, the decision of the House of Representatives upon this grave and judicial question would not be considered binding or effective in any case except the one acted upon or as a precedent for future action in the House itself."

Second, no primary election was, in fact, held by either party for nominating candidates for Representative in Congress, only one person registering with either party, and so, under the statutes, no primary was held. If the nomination thus secured by the contestee was unlawful, so was that of contestant, and the contestant is therefore estopped in the present case from asserting the invalidity of the nomination secured by the contestee.

Your Committee on Elections No. 1 therefore respectfully recommend the adoption of the following resolution:

Resolved, That Henry C. Warmoth was not elected a Member of the Sixty-first Congress from the First Congressional District of Louisiana and is not entitled to a seat therein."

Mr. KOPP. I ask for the adoption of the resolution.

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

CONTESTED-ELECTION CASE—MYERS V. PATTERSON.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, by direction of the Committee on Elections No. 3, I call up House resolution 812 and ask for its consideration.

The resolution was read, as follows:

House resolution 812.

Resolved, That Isaac Myers was not elected a Member of the Sixty-first Congress from the Second Congressional District of South Carolina and is not entitled to a seat therein.

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

Mr. MICHAEL E. DRISCOLL. I ask that the report be printed in the RECORD.

The SPEAKER. Is there objection? The Chair hears none.

The report is as follows:

MYERS V. PATTERSON.

The Committee on Elections No. 3, to which was referred the contested-election case of Isaac Myers, contestant, against James O. Patterson, contestee, from the Second Congressional District of South Carolina, begs leave to submit the following report:

On or about the 12th day of December, 1908, the said contestant, Isaac Myers, by his attorney, Jacob Moorer, served on the contestee a notice of contest in this case, which contains several allegations

against the arbitrary rulings and unfair discriminations on the part of election officers against the contestant and his political friends and in favor of the contestee, and in which the constitutionality of the present South Carolina constitution and laws enacted thereunder is raised.

That thereafter and on or about the 31st day of December, 1908, the contestee caused to be served on the contestant his answer to said contest. Up to date no evidence has been taken in the case by either party. The only record or papers filed with this committee consists of an affidavit made by said contestee on the 10th day of February, 1910, which contains a sort of history of the proceedings up to date, stating that the contestant and contestee had entered into correspondence with reference to the time of taking evidence, but that no date had been definitely fixed for the taking of testimony; that no notice for taking testimony had been served on him up to the time the affidavit was made, and that no testimony was taken.

Among the papers submitted to this committee are several letters between the contestant and contestee with reference to the time of taking evidence in this case, also a letter from the secretary of state of South Carolina to the said contestee, and a tabulated statement of the whole number of votes cast for Representative in Congress from the several congressional districts in the State of South Carolina at the general election held on November 3, 1908. Those papers also contain copies of protests made by the said contestee against the counting of certain ballots in behalf of the contestant and filed with the election boards of certain counties in said congressional district, and other correspondence on this subject.

Those papers were submitted to Committee on Elections No. 3 on February 16, 1910, or about that date, with a statement from the Hon. Alexander McDowell, Clerk of the House of Representatives, saying that said papers were left in his office on the 14th day of February, 1910. Those papers constitute all of the record in said contested election case, which has been filed with this committee. Neither party to this contest has, in person or by attorney, notified this committee that any further proceedings will be taken; neither has any party asked for a hearing of the contest before this committee.

Your committee therefore respectfully submits that there is no question for it to pass upon in this contest, in view of the fact that there is no evidence before it, and it recommends the adoption of the following resolution:

Resolved, That Isaac Myers was not elected a Member of the Sixty-first Congress from the Second Congressional District of South Carolina, and is not entitled to a seat therein."

VIEW OF THE MINORITY.

The minority of the Committee on Elections No. 3, to which committee was referred the contested-election case of Isaac Myers, contestant, against James O. Patterson, contestee, from the Second Congressional District of South Carolina, respectfully submits the following minority report:

After a careful consideration of the record, and after due examination of the latest precedents of this House in such matters, we find ourselves unable to agree with our confères of the majority in all particulars, though concurring with them in many respects as to the merits of the contest.

The difference between the majority and minority is that the majority reports and recommends the adoption of a resolution simply declaring that contestant was not elected, whereas the minority recommends a resolution declaring that contestant was not elected and that contestee was elected.

The majority resolution herein overturns even the very latest precedents established by the same majority party in this House, and totally indifferent to such precedents harks back to earlier Congresses, ignoring without even differentiating so as to show the slightest reason therefor, the majority report of the committee in the Sixtieth Congress made and adopted by the House in a contest case identical in character.

The report and recommendation thus ignored without rhyme or reason by the majority of this committee was a report submitted on the part of this committee in the Sixtieth Congress by the gentleman from Illinois, Mr. MANN, acting on behalf of said committee, which recommendation was adopted by the House.

The present majority report further ignores another precedent of the Sixtieth Congress, to wit, the report of the Committee on Elections No. 1, submitted on January 5, 1909, in the case of Prioleau v. Legare, and also that in the case of Dantzler v. Lever in the same Congress, which were adopted.

In the present report submitted by the majority, while containing the language, "there are many precedents for this action which the committee feels constrained to respect," yet there is an absolute failure to respect the very latest precedents in the last Congress, where the same party as that to which the present majority belong was likewise the majority party.

The minority of the committee submitting this report, while agreeing almost entirely with the majority hereon on the main features in this contest and their conclusions on same, are so thoroughly convinced that the action of the majority in overturning the latest precedents of their own party as to the substance of resolutions recommended that we can not subscribe to the inconsistencies of the present majority.

As contestant contends that he is of the same political faith as that of the dominant party, it can not be contended that he has suffered on account of a hostile committee; and although it has been held by the majority of the elections committees again and again, with each recurring contest of a similar nature, that the forum in which to test the constitutionality of a state constitution was rather in the courts of the Nation than before a committee in Congress, such contests have persistently and contrary to the suggestion of the members of the majority continued to bring these pseudo contests before Congress, although each time there is found to be nothing differentiating the contest now before us from former ones from said State and district, and in none of which has there even been the slightest ground for action favorable to contestant even construing the words of the Federal Constitution that each House of Congress is the judge of the election, returns, and qualifications of its own Members, in their broadest sense.

The constitution of South Carolina has been in force for fifteen years, thus affording ample time to those who question same to test the validity thereof in the highest court in the land; and the courts are still open for such consideration.

If there be any who desire to raise the question of the constitution and election laws of a State being in conflict with federal statutes or our national organic law, we consider such a matter should be tested in the courts.

Especially is this latter principle emphasized by the most recent precedents in such cases or contests, handed down to us by the majority

party, to wit, that this Committee on Elections should not usurp the functions of the Supreme Court of the Nation and pass upon the legality of the constitution of South Carolina and its conflict vel non with the national organic law.

That contestant, Isaac Myers, was not elected a Member of the Sixty-first Congress from the Second Congressional District of South Carolina and is not entitled to a seat therein is admitted by every member of your committee, irrespective of party affiliations. And the reasons and precedents cited in this minority report show conclusively that the majority hereof, in order to be consistent—and if not a majority of this committee, at least a majority of this House—should conclude that the contestee was elected and is entitled to such seat.

The minority of your committee therefore respectfully recommend, in accordance with the very latest precedents of this House, the adoption of the following resolution:

Resolved, That Isaac Myers was not elected a Member of the Sixty-first Congress from the Second Congressional District of South Carolina and is not entitled to a seat therein.

Resolved, That James O. Patterson was elected a Member of the Sixty-first Congress from the Second Congressional District of South Carolina and is entitled to a seat therein."

These views have been submitted, not for the purpose of a contest on the floor of the House, because there is now no practical result to be accomplished by such a contest, but in order that the views of the minority may be preserved in the record and that justice may be done the people of South Carolina, and that the inconsistent attitude of the majority party may be pointed out.

C. C. CARLIN.
ROBT. C. WICKLIFFE.

CONTESTED-ELECTION CASE—PRIOLEAU V. LEGARE.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I now call up House resolution 811.

The resolution was read, as follows:

House resolution 811.

Resolved, That Aaron P. Prioleau was not elected a Member of the Sixty-first Congress from the First Congressional District of South Carolina and is not entitled to a seat therein.

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

The SPEAKER. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. MICHAEL E. DRISCOLL. I do.

Mr. KEIFER. I notice the resolution just read and the one that has just now been adopted declares that the contestant, I presume, is not entitled to the seat. There is no resolution in either of these cases declaring who is entitled to the seat, as I understand to be the usual practice. Why is that?

Mr. MICHAEL E. DRISCOLL. That is correct. The committee decided that the contestant is not entitled to the seat, and the committee, in view of the fact that the constitution and election laws of South Carolina are in question, and may and perhaps will be determined by the Supreme Court, thought it was not wise to adopt the second resolution, holding that the contestee was elected.

Mr. KEIFER. I was only speaking of the precedents. I think this is the first case we have had here from a Committee on Elections presenting a resolution that the contestant was not entitled to a seat without declaring that the contestee was. In these cases the committee seems to have followed a different rule, and declared that the contestant was not entitled, and saying nothing about who was entitled.

Mr. JAMES. It has the same effect.

Mr. KEIFER. It probably has; but I was wondering why that rule was adopted.

Mr. MANN. I will say to the gentleman, I set that precedent.

Mr. KEIFER. I understand that it is stated that that provision is not put in, stating that the contestee was entitled to the seat, because the Supreme Court is considering the southern election laws. The gentleman from Illinois states that that precedent originated with him. Of course, that explains it. [Laughter.]

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

Mr. CARLIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CARLIN. I wanted to inquire whether the views of the minority were considered together in that election case, with the views of the majority.

Mr. MICHAEL E. DRISCOLL. They are both printed. I ask that they be printed in the RECORD.

There was no objection.

The reports are as follows:

PRIOLEAU V. LEGARE.

The Committee on Elections No. 3, to which was referred the contested-election case of Aaron P. Prioleau, contestant, against George S. Legare, contestee, from the First Congressional District of South Carolina, having heard Joseph H. Steward, esq., counsel for the contestant, and Aaron P. Prioleau in his own behalf, and M. Rutledge Rivers, esq., of counsel for the contestee, and having read the record and briefs of the respective parties, after due and careful consideration begs to submit the following report:

The said election took place on the 3d day of November, 1908. Thereafter the votes cast at said election for the office of Representative in Congress were counted and canvassed, and as the result of said count and canvass the Hon. George S. Legare was declared to have received 5,759 votes, and in like manner the Hon. Aaron P. Prioleau, the con-

testant, was declared to have received 631 votes, and in pursuance of said count and canvass the Hon. George S. Legare received the certificate of election by a majority of 5,128 votes.

The notice of contest was served by the contestant on the contestee within the time specified by law, and sets forth in a rather general and loose form the allegations and charges on which this contest is based, and which, very briefly stated, are as follows:

That harsh, unreasonable, and unlawful means, rules, and regulations were applied and enforced which discriminated against the rights and privileges of 35,000 electors who intended, desired, and endeavored to register and vote for the contestant as Representative in Congress from said district; and that the contestee and his political friends and partisans refused to allow upward of 10,123 of the contestant's friends and supporters who offered, desired, and endeavored to vote for him at said election an opportunity to vote; and that they were prevented from voting for the contestant contrary to the laws of the State of South Carolina and in violation of the fourteenth and fifteenth amendments of the Federal Constitution of the United States, and in violation of the federal statute known as the reconstruction act, enacted June 25, 1868. That there were about 35,000 colored electors in said district and only about 16,000 white electors, and that if permitted, substantially all of the colored electors would have voted for the contestant; but that they were not permitted to vote. That all the election officers at all the polling places in said district were Democrats and friends and partisans of the contestee, and that the contestant and his political friends and supporters were unjustly and unlawfully discriminated against, in that most of them were denied the right to register and vote.

This contest and others from the State of South Carolina seem to be predicated on the claim that the constitution of South Carolina, adopted in 1895, and the election laws enacted under and in pursuance of the same, are in violation of the Federal Constitution and the so-called reconstruction act of June 25, 1868, and are unconstitutional, null, and void; and that the qualifications of voters as set forth in said reconstruction act still exist and are controlling, and that the qualifications of voters established by the present constitution and laws of South Carolina are void and of no effect.

The answer to said notice of contest consists substantially of a general denial of all the material allegations set forth in the notice of contest.

It is manifest that if a legal election were held in said district on the 3d day of November, 1908, the contestee was elected, for on the face of the returns he had a majority of 5,128 votes. To overcome this apparent majority the contestant claims that upward of 10,123 of his political friends and supporters offered to vote in the various election precincts in said congressional district, but were denied that right and privilege; and that if they had been permitted to vote they would have voted for the contestant to represent them in Congress. Copies of those lists are set forth in the record of the case from pages 50 to 137, inclusive.

It is claimed by the contestant that his agents in the various election districts or precincts kept those lists of names of the colored men who were denied the right to vote. That if such men had been permitted to vote they would have voted for him and therefore overcome the majority for the contestee and would have given him a majority of 4,995. An examination of those lists in the printed case and in the original record does not satisfy your committee that they should be counted as having voted for the contestant in said election. The statement at the head of the list is not an affidavit, but simply in the form of a certificate.

Take the first one, for instance, which appears on pages 50 to 53, inclusive. The names were not written by the men themselves, but apparently all by one or two persons—very likely by the agents who took down the lists. There is no affidavit or proof of any kind that those men whose names appear on those lists were qualified to vote under the present laws of South Carolina or even under the provisions of the reconstruction act referred to. There is no proof or affidavit of any kind on the part of those men, or any of them, that they were citizens and residents of that district. A certificate is not an affidavit. It is not the kind of proof on which any court can rely. If a man certifies to an untruth he is not liable for perjury, for no oath is administered. The name of the precinct is not stated in this caption, although the ward and city are.

One of those men, for instance, certifies that he offered to vote for Aaron P. Prioleau, and his vote was rejected by the managers of election; but he does not state what he did in the way of offering his vote, whether he went into the booth and offered in the regular way to cast his vote. He says he appeared at the registration office in said city and State for registration previous to the 3d day of November, and was refused a certificate. That is a very indefinite statement on which to qualify him as a voter and on which to count his vote for the contestant in this case.

Then there seems to be an affidavit at the end of that list which is not regular in form. It says that C. W. Stevens deposes and says that he is a citizen of the State of South Carolina and a resident of the First Congressional District in the State aforesaid; that he herein certifies that the record of the names of blank citizens and blank precinct is true and correct, and that he had read the heading on the list above to each person before recording their names.

Stevens does not swear that the record he kept is true; he simply certifies to it. He certifies he read the heading of the list to each person before recording the name; but that does not signify because the certificate which he read to them was not an affidavit and is not such a statement as would establish the fact in any court.

The certificates are practically all of the same form and the same character, and are not sufficient to convince this committee that the men whose names appear in said lists should be counted for the contestant in this case.

Your committee therefore concludes that the contestant was not elected, and he is therefore not entitled to a seat in the Sixty-first Congress from the First Congressional District of South Carolina.

If the present constitution of South Carolina and the election laws enacted thereunder are unconstitutional and void, then the necessary conclusion is that the election was null and void.

If no valid election were held in the First Congressional District of South Carolina on November 3, 1908, and if the House of Representatives should so find, and declare the seat vacant, then no election could be held in that district under the present constitution and laws until they are changed to conform with the constitution of 1868 and the reconstruction act passed by the Congress on the 25th of June, 1868.

That decision would apply to the other districts in South Carolina, and substantially apply to other States which were rehabilitated under what is known as the fundamental conditions and reconstruction acts.

In view of the fact that Congress is not the proper tribunal to finally determine the question of the constitutionality of the constitution and laws of South Carolina, and in view of the precedents in other

congressional election contests which have come from the State of South Carolina, your committee does not feel justified at this time in reporting to the House that the election was null and void and declaring the seat vacant. That question should be determined by the Supreme Court of the United States. A test case should be made and taken to that court for determination, and your committee earnestly hopes that that may be done at the earliest possible opportunity. The Supreme Court is in a sense continuous and recognizes its own decisions and judgments. The political complexion of the Congress may change from term to term, and a decision in one Congress might be, and perhaps would be, overturned in the next in case a majority of its Members were of a different political party.

A majority of this committee doubts the wisdom or propriety of denying to that district representation in the House of Representatives pending a final decision of the whole question by the Supreme Court of the United States.

The members of this committee have not found, or at least do not feel disposed to express an opinion at the present time as to the constitutionality of the laws of South Carolina under which said election was held, and do not feel disposed by their action in this particular case to affirm or deny that said laws are constitutional, and do not wish to establish a precedent one way or the other on that question, and therefore respectfully recommend the adoption of one resolution declaring that the contestant was not elected.

There are many precedents for this action which this committee feels constrained to respect.

This contestant brought a contest from this district to the Fifty-eighth Congress, which was referred to Committee on Elections No. 3, and was there considered at great length. The contestant was not given the seat, neither was the election declared void. No decision or report was made by the consent and approval of the contestant himself.

In the Fifty-ninth Congress he brought a contest from the same district and on substantially the same grounds as appear in this case, which was referred to Committee on Elections No. 1. That committee, after full consideration, reported to the House a single resolution, that he was not elected and was not entitled to a seat in that Congress, and that resolution was unanimously adopted by the House of Representatives.

He brought another contest in the Sixtieth Congress, which was referred to Committee on Elections No. 1, with the same result, except that a resolution was submitted to the House that the contestee was elected, which was agreed to.

In the Fifty-eighth Congress Alexander D. Dantzer brought a contest from the Seventh Congressional District of South Carolina against Asbury F. Lever, the contestee, and based his claim on substantially the same facts and arguments as are presented in this case. It was referred to Committee on Elections No. 1, which reported a single resolution that Dantzer was not elected and not entitled to a seat in the House of Representatives, and that resolution was agreed to.

In the Fifty-ninth Congress Charles C. Jacobs brought a contest against Asbury F. Lever from the Seventh Congressional District of South Carolina, based on substantially the same facts and arguments as are relied on in this case. It was referred to Committee on Elections No. 1, which reported a resolution that Jacobs was not elected and not entitled to a seat in the House of Representatives, and that resolution was affirmed by the House of Representatives.

Isaac Myers brought a contest against J. O. Patterson in the Fifty-ninth Congress from the Second Congressional District of South Carolina, which was referred to Committee on Elections No. 1. That committee reported a single resolution that Myers was not elected and not entitled to a seat in the Fifty-ninth Congress, and that resolution was affirmed by the House of Representatives.

In the Sixtieth Congress Isaac Myers again brought a contest against J. O. Patterson from the Second Congressional District of South Carolina, which was referred to Committee on Elections No. 1. That committee reported a resolution that Myers was not elected a Member of the Sixtieth Congress from the Second Congressional District of South Carolina and was not entitled to a seat therein, and a second resolution that Patterson was elected, and those resolutions were agreed to by the House.

In the Sixtieth Congress Alexander D. Dantzer again brought a contest from the Seventh Congressional District of South Carolina against Asbury F. Lever, which was referred to Committee on Elections No. 1, with the same result.

This is the fourth contest which this particular contestant has brought from the First Congressional District of South Carolina, all on practically the same grounds from a legal standpoint. In three of them his claim for a seat has not been recognized or allowed, and this committee does not feel that it would be justified in arriving at a conclusion contrary to those precedents on substantially the same facts and legal propositions.

Your committee therefore respectfully recommends the adoption of the following resolution:

Resolved, That Aaron P. Prioleau was not elected a Member of the Sixty-first Congress from the First Congressional District of South Carolina, and is not entitled to a seat therein."

VIEW OF THE MINORITY.

The minority of the Committee on Elections No. 3, to which committee was referred the contested election case of Aaron P. Prioleau, contestant, against George S. Legare, contestee, from the First Congressional District of South Carolina, respectfully submits the following minority report:

After a careful consideration of the record and briefs of the respective parties, and having heard their respective counsel, and after due examination of the latest precedents of this House in such matters, we find ourselves unable to agree with our confères of the majority in all particulars, though concurring with them in many respects as to the merits of the contest.

The difference between the majority and minority is that the majority reports and recommends the adoption of a resolution simply declaring that contestant was not elected, whereas the minority recommends a resolution declaring that contestant was not elected and that contestee was elected.

The majority resolution herein overturns even the very latest precedents established by the same majority party in this House, and, toally indifferent to such precedents, harks back to earlier Congresses, ignoring, without even differentiating so as to show the slightest reason therefor, the majority report of the committee in the Sixtieth Congress made and adopted by the House in a contested case between the identical contestant and contestee upon identical issues and practically the same facts.

The report and recommendation thus ignored without rhyme or reason by the majority of this committee was a report submitted on the part of this committee in the Sixtieth Congress by the gentleman from Illinois, Mr. MANN, acting on behalf of said committee, which recommendation was adopted by the House.

The present majority report further ignores another precedent of the Sixtieth Congress, to wit, the report of the Committee on Elections No. 1 submitted on January 5, 1909, in the case of Dantzer v. Lever, and also that in the case of Myers v. Patterson in the same Congress, which were adopted.

In the present report submitted by the majority, while containing the language: "There are many precedents for this action which the committee feels constrained to respect," yet there is an absolute failure to respect the very latest precedents in the last Congress where the same party as that to which the present majority belong was likewise the majority party.

The minority of the committee submitting this report, while agreeing almost entirely with the majority hereof on the main feature in this contest and their conclusions on same, are so thoroughly convinced that the action of the majority in overturning the latest precedents of their own party as the substance of resolutions recommended, that we can not subscribe to the inconsistencies of the present majority.

This case is not a new one. The same contestant has been presenting the identical kind of contests to the House of Representatives against the same contestee for several consecutive Congresses, without varying in the slightest degree, and apparently for no other reason whatsoever than to obtain the allowance for attorneys' fees and expenses generally allowed in contest cases. Four times in succession he has come here urging this contest against the same contestee, never varying the slightest in either grounds of proof (or rather lack of proof) from one contest to the other.

As contestant contends that he is of the same political faith as that of the dominant party during all these four contests (in none of which was a report found or made in his favor), it can not be contended that he has suffered on account of a hostile committee; and, although told by the majority of the committee again and again, with each recurring contest, that the forum in which to test the constitutionality of a state constitution was rather in the courts of the nation than before a committee in Congress, he has persistently, and, contrary to the suggestion of the members of the majority, continued to bring these pseudo contests before Congress, although each time there is found to be nothing differentiating the contest now before us from his former one, and in none of which has there even been the slightest ground for action favorable to contestant, even construing the words of the Federal Constitution—that each House of Congress is the judge of the election, returns, and qualifications of its own Members—in their broadest sense.

The constitution of South Carolina has been in force for fifteen years, thus affording ample time to those who question same to test the validity thereof in the highest court in the land; and the courts are still open for such consideration. It seems, however, that this contestant is a bit chary of the federal courts and has not that just appreciation of our national tribunals such as Alexander Hamilton possessed. Perhaps this is due to the fact that he is an exconvict from a federal prison, as shown by the record on file in this contest.

If there be any who desire to raise the question of the constitution and election laws of a State being in conflict with federal statutes or our national organic law, we consider such a matter should be tested in the courts.

Especially is this latter principle emphasized by the most recent precedents in such cases or contests, handed down to us by the majority party, that this Committee on Elections should not usurp the functions of the Supreme Court of the Nation and pass upon the legality of the constitution of South Carolina and its conflict vel non with the national organic law.

That contestant, Aaron P. Prioleau, was not elected a Member of the Sixty-first Congress from the First Congressional District of South Carolina and is not entitled to a seat therein is admitted by every member of your committee irrespective of party affiliation. And the reasons and precedents cited in this minority report show conclusively that the majority hereof, in order to be consistent (and if not a majority of this committee, at least a majority of this House), should conclude that the contestee was elected and is entitled to such seat.

The minority of your committee therefore respectfully recommend in accordance with the very latest precedents of this House, the adoption of the following resolution:

Resolved, That Aaron P. Prioleau was not elected a Member of the Sixty-first Congress from the First Congressional District of South Carolina and is not entitled to a seat therein.

Resolved, That George S. Legare was elected a Member of the Sixty-first Congress from the First Congressional District of South Carolina and is entitled to a seat therein.

These views have been submitted, not for the purpose of a contest on the floor of the House—because there is now no practical result to be accomplished by such a contest, but in order that the views of the minority may be preserved in the record, and that justice may be done the people of South Carolina, and that the inconsistent attitude of the majority party may be pointed out.

C. C. CARLIN.
W. A. OLDFIELD.
ROBT. C. WICKLIFFE.

CONTESTED-ELECTION CASE—JOHN A. SMITH V. EDWIN Y. WEBB.

Mr. MILLER of Kansas. Mr. Speaker, by direction of the Committee on Elections No. 2, I desire to submit the following resolution, and ask for its adoption. (Report No. 1702.)

The resolution was read, as follows:

House resolution 831.

Resolved, That John A. Smith was not elected to membership in the House of Representatives of the United States from the Ninth Congressional District of North Carolina in the Sixty-first Congress, and is not entitled to a seat therein.

Resolved, That Edwin Y. Webb was elected to membership in the House of Representatives of the United States from the Ninth Congressional District of North Carolina in the Sixty-first Congress, and is entitled to retain his seat therein.

Mr. MILLER of Kansas. I ask its immediate consideration.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection, and the resolution was agreed to.

CONTESTED-ELECTION CASE—RICHARDSON V. LEVER.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I have not got through. I call up House resolution 810.

The resolution was read, as follows:

House resolution 810.

Resolved, That R. H. Richardson, contestant, was not elected a Member of the Sixty-first Congress from the Seventh Congressional District of South Carolina and is not entitled to a seat therein.

Mr. FINLEY. Mr. Speaker, I do not understand the reason why this resolution differs from others which have been adopted in the past. Why does it not state that Hon. A. F. LEVER is elected? I think the resolution ought to state it, and I move to amend—

The SPEAKER. The gentleman can not make that motion unless he has the floor.

Mr. MICHAEL E. DRISCOLL. I move the adoption of the resolution.

The question being taken, the resolution was agreed to.

CONTESTED-ELECTION CASE—HEPBURN V. JAMIESON.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I present House resolution 809, concerning the contested-election case in the Eighth Congressional District of the State of Iowa.

The Clerk read as follows:

House resolution 809.

Resolved, That William P. Hepburn was not elected a Member of the Sixty-first Congress from the Eighth Congressional District of the State of Iowa, and is not entitled to a seat therein.

Resolved, That William D. Jamieson was elected a Member of the Sixty-first Congress from the Eighth Congressional District of Iowa, and is entitled to a seat therein.

The resolution was agreed to.

[Mr. MICHAEL E. DRISCOLL addressed the House. See Appendix.]

RECLAMATION FUND.

The Speaker laid before the House the bill (H. R. 18398) to authorize advances to the reclamation fund and for the issue and disposition of certificates of indebtedness in reimbursement therefor, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. PAYNE. I move that the House disagree to the Senate amendments and agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. PAYNE, Mr. DALZELL, and Mr. CLARK of Missouri.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The SPEAKER laid before the House the bill (H. R. 2250) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, with Senate amendments thereto.

The Senate amendments were read.

Mr. GAINES. I move to disagree to the Senate amendments and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. GAINES, Mr. DIEKEMA, and Mr. RUCKER of Missouri.

INSPECTION OF VESSELS.

The SPEAKER laid before the House the bill (H. R. 16877) to amend section 4421, Revised Statutes of the United States, as amended by act of June 11, 1906, with Senate amendments thereto.

The Senate amendments were read.

Mr. KAHN. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

OMNIBUS INDIAN BILL.

The SPEAKER laid before the House the bill (H. R. 24992) to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes, with Senate amendments thereto.

Mr. BURKE of South Dakota. Mr. Speaker, this is the omnibus Indian bill. The Senate has stricken out all after the enacting clause and inserted a number of amendments. I ask unanimous consent that all the amendments of the Senate be disagreed to and that we ask for a conference.

Mr. MANN. I think we ought to have time to look at that bill first. I hope the gentleman will not make that request right now.

The SPEAKER. Objection is made. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. MANN. I understand that this bill, on objection, would have to go to the committee. The gentleman asks unanimous consent to take it up now, but I hope he will postpone the request temporarily.

Mr. BURKE of South Dakota. I have no desire to press it now, although I am anxious to get it into conference.

The SPEAKER. The gentleman asks unanimous consent for the present that the bill lie on the Speaker's table.

There was no objection.

JAMES H. REID.

The SPEAKER laid before the House the bill H. R. 14760, an act to authorize and direct the President of the United States to place on the retired list of the United States Navy Lieut. Commander James H. Reid, with the rank of commander, with the Senate amendments.

The Senate amendments were read.

Mr. CARLIN. Mr. Speaker, I move that the House agree to the Senate amendments.

The motion was agreed to.

PAROLE OF UNITED STATES PRISONERS.

Mr. PARKER. Mr. Speaker, I desire to present a conference report and statement of the managers to be printed in the Record on the bill S. 870, an act to parole United States prisoners, and for other purposes.

The conference report (No. 1701) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 870) to parole United States prisoners, and for other purposes, 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 amendment to the Senate bill and agree to the Senate bill with the following amendments, and that the Senate agree to the same:

Amend section 1 so that when amended it will read as follows:

"SEC. 1. That every prisoner who has been or may hereafter be convicted of any offense against the United States, and is confined in execution of the judgment of such conviction in any United States penitentiary or prison, for a definite term or terms of over one year, whose record of conduct shows he has observed the rules of such institution, and who has served one-third of the total of the term or terms for which he was sentenced, may be released on parole as hereinafter provided."

Amend section 2 so that when amended it will read as follows:

"SEC. 2. That the superintendent of prisoners of the Department of Justice and the warden and physician of each United States penitentiary shall constitute a board of parole for such prison, which shall establish rules and regulations for its procedure subject to the approval of the Attorney-General. The chief clerk of such prison shall be clerk of said board of parole, and meetings shall be held at each prison as often as the regulations of such board shall provide: *Provided*, That in every case where a prison other than a United States penitentiary is used for the confinement of such prisoners it shall be the duty of the Attorney-General to designate the officers of said prison who, together with the superintendent of prisons, shall constitute such board for said prison."

Amend section 3 so that when amended it will read as follows:

"SEC. 3. That if it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws, and if in the opinion of the board such release is not incompatible with the welfare of society, then said board of parole may in its discretion authorize the release of such applicant on parole, and he shall be allowed to go on parole outside of said prison, and, in the discretion of the board, to return to his home, upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe, and to remain, while on parole, in the legal custody and under the control of the warden of such prison from which paroled, and until the expiration of the term or terms specified in his sentence, less such good-time allowance as is or may hereafter be provided

for by act of Congress; and the said board shall, in every parole, fix the limits of the residence of the person paroled, which limits may thereafter be changed in the discretion of the board: *Provided*, That no release on parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney-General of the United States."

Amend section 4 so that when amended it will read as follows:

"SEC. 4. That if the warden of the prison or penitentiary from which said prisoner was paroled or said board of parole or any member thereof shall have reliable information that the prisoner has violated his parole, then said warden, at any time within the term or terms of the prisoner's sentence, may issue his warrant to any officer hereinafter authorized to execute the same, for the retaking of such prisoner."

Amend section 5 so that when amended it will read as follows:

"SEC. 5. That any officer of said prison or any federal officer authorized to serve criminal process within the United States, to whom such warrant shall be delivered, is authorized and required to execute such warrant by taking such prisoner and returning him to said prison within the time specified in said warrant therefor. All necessary expenses incurred in the administration of this act shall be paid out of the appropriation for the prison in connection with which such expense was incurred, and such appropriation is hereby made available therefor."

Amend section 6 so that when amended it will read as follows:

"SEC. 6. That at the next meeting of the board of parole held at such prison after the issuing of a warrant for the retaking of any paroled prisoner, said board of parole shall be notified thereof, and if said prisoner shall have been returned to said prison he shall be given an opportunity to appear before said board of parole, and the said board may then or at any time in its discretion revoke the order and terminate such parole or modify the terms and conditions thereof. If such order of parole shall be revoked and the parole so terminated, the said prisoner shall serve the remainder of the sentence originally imposed; and the time the prisoner was out on parole shall not be taken into account to diminish the time for which he was sentenced."

Further amend the Senate bill by adding the following section, to be numbered section 7:

"SEC. 7. That each board of parole shall appoint a parole officer for the penitentiary over which it has jurisdiction. Subject to the direction and control of such board, it shall be the duty of such officer to aid paroled prisoners in securing employment and to visit and exercise supervision over them while on parole, and such officer shall have such authority and perform such other duties as the board of parole may direct. The salary of each parole officer shall be fixed by the board of parole, but shall not exceed one thousand five hundred dollars per annum, which, together with his actual and necessary traveling expenses, when approved by such board, shall be paid out of the appropriation for the maintenance of the penitentiary to which he is assigned, which appropriation is hereby made available for the purpose. In addition to such parole officers the supervision of paroled prisoners may also be devolved upon the United States marshals when the board of parole may deem it necessary."

Further amend the Senate bill by adding the following section, to be numbered section 8:

"SEC. 8. That it shall be the duty of the warden of the prison to furnish to any and all paroled prisoners the usual gratuities, consisting of clothing, transportation, and five dollars in money; the transportation furnished shall be to the place to which the paroled prisoner has elected to go, with the approval of the board of parole. The warden of the prison who furnishes these gratuities is hereby authorized to charge the actual cost of the same in his accounts against the United States: *Provided, however*, That when any such paroled prisoner shall have received his final discharge, while he is away from such prison, he shall be entitled to no further gratuities provided for discharged prisoners under existing law."

Further amend the Senate bill by adding the following section to be numbered section 9:

"SEC. 9. That whenever any person has been convicted of any offense against the United States which is punishable by imprisonment, and has been sentenced to imprisonment and is confined therefor, in any reformatory institution of any State in accordance with section 5548 of the Revised Statutes or other laws of the United States, then if such State has laws for the parole of prisoners committed to such institutions by the courts of that State, such person convicted of any offense against the United States shall be eligible to parole on the same terms and conditions and by the same authority and subject to recom-

mittal for violation of such parole in the same manner, as persons committed to such institutions by the courts of said State, and the laws of said State relating to the parole of prisoners and the supervision thereof in such institutions are hereby adopted and made to apply to persons committed to such institutions for offenses against the United States. The necessary cost of parole and supervision of such prisoners, to the State where such institution is located shall be paid by the United States out of the appropriation for the support of prisoners confined in state institutions, which appropriation is hereby made available for the purpose. No such prisoner shall be entitled to go on parole until the Attorney-General shall have approved the order therefor: *Provided*, That when a prisoner is committed to such institution outside of the State where he lives he may be permitted by his parole to return to his home, and in such case the supervision of such prisoner on parole shall devolve upon the marshal of the district where said prisoner lives, and in case such prisoner should violate his parole a warrant for his recommitment shall be delivered to and executed by said marshal."

That section 7 of the Senate bill be renumbered as section 10 and amended to read as follows:

"SEC. 10. That nothing herein contained shall be construed to impair the power of the President of the United States to grant a pardon or commutation in any case, or in any way impair or revoke such good-time allowance as is or may hereafter be provided by act of Congress."

RICHARD WAYNE PARKER,
JOHN A. STERLING,
R. L. HENRY,
Managers on the part of the House.
A. O. BACON,
FRANK B. BRANDEGEE,
WM. E. BORAH,
Managers on the part of the Senate.

STATEMENT.

Statement of the managers on the part of the House of Representatives as to the conference report on S. 870, entitled "An act to parole United States prisoners, and for other purposes."

The report is of an amended bill, of which the first six sections and the last section are amended from the Senate act, and sections 7, 8, and 9 are substantially sections 5, 6, and 7 of the House substitute.

The board of parole is made up substantially as recommended by the Senate. The time that the prisoner must serve before parole and the provisions for parole officers, gratuities, and as to prisoners in state reformatories are adopted from the House substitute. The Senate requirement of a bond and the House provision for advertisement of applications for parole are omitted. The rest of the substitute is substantially common to both bills, the language only being varied.

R. WAYNE PARKER,
JOHN A. STERLING,
R. L. HENRY,
Managers on the part of the House.

CLAIMS OF THE SAGINAW, SWAN CREEK, AND BLACK RIVER BAND OF CHIPPEWA INDIANS.

Mr. BURKE of South Dakota. Mr. Speaker, I call up a conference report on the bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan.

The conference report and statement was read.

[For conference report and statement, see proceedings of the House of June 21, 1910.]

Mr. BURKE of South Dakota. I move that the House agree to the conference report.

The motion was agreed to.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I submit a conference report on the sundry civil appropriation bill (H. R. 25552) and ask unanimous consent that it be considered at this time, and that the statement be read in lieu of the report.

Mr. HUGHES of New Jersey. Reserving the right to object, I want to ask the gentleman what the report is?

Mr. TAWNEY. I will say in answer to the gentleman from New Jersey that there is nothing in the report over which there was any serious controversy between the two Houses. The amendment, No. 76, which he perhaps is interested in more than any other, is not agreed to. Of course, there could be no conference between the two Houses on that amendment, for the

reason that the House conferees were instructed by the House to not recede, and therefore the conferees on the part of the House could do nothing but bring the amendment back to the House for further consideration. The other amendment to which there was a separate vote in the House is also brought back because of the failure of the conferees to agree.

Mr. UNDERWOOD. As I understand, then, there is no conference report to be printed in the RECORD, but merely a statement by the conferees.

Mr. TAWNEY. There were a number of other items which were disagreed to and placed in conference.

Mr. UNDERWOOD. It is unusual to ask for the consideration of a conference report without its being printed in the RECORD, but I understand we all want to get away.

Mr. TAWNEY. It is not unusual at this time of the session. Heretofore the practice has been several days or a week before the close of a session to bring in a special rule that conference reports can be submitted without first being printed in the RECORD. Now, if this report goes over, or is printed under the rule, it can not come up before to-morrow, and the matters in difference between the two Houses might prolong the session.

Mr. UNDERWOOD. I would like to ask the gentleman what are the main questions submitted in the conference report.

Mr. TAWNEY. The principal matter of difference between the two Houses that have been agreed to is the Senate amendment authorizing the purchase of the land between the Capitol grounds and the Union Station. The House conferees receded with an amendment. That amendment does not appropriate the \$3,000,000, as proposed by the Senate, but declares that it is the purpose of Congress to purchase the land and appropriates \$500,000 for that purpose, and authorizes the Vice-President, the Speaker of the House, and the Superintendent of the Capitol Building and Grounds to buy so much of the property as is offered, from time to time during the next year, at a reasonable price within the limit of the appropriation. The compromise also proposes that this appropriation will be made annually hereafter for a like purpose. The thought of the House conferees in submitting this amendment was that this policy would tend to encourage competition among the property owners to sell their property, rather than to encourage a combination between owners for the purpose of increasing the price of their property. This provision is intended to enable the Government to obtain this property at a reasonable price instead of paying several prices, as we always do under condemnation.

Mr. UNDERWOOD. Does the gentleman bring it in in such a way that it can be voted on by the House, or is it tied up with other projects? Is the gentleman willing to give the House an opportunity for a separate vote on that proposition, by unanimous consent?

Mr. TAWNEY. I am perfectly willing to do so, if it is possible.

Mr. MANN. It is not possible to do it. It can not be done by unanimous consent or otherwise.

Mr. UNDERWOOD. It can be done by unanimous consent.

Mr. MANN. The conferees' report goes to both bodies, and unanimous consent of this body can not separate it. The House can reject the conference report. The conferees can not divide it up.

Mr. UNDERWOOD. I think the gentleman from Illinois [Mr. MANN] is correct.

Mr. TAWNEY. I will say to the gentleman that this method of purchasing land for park purposes or for the use of the Government here in the District of Columbia is one that the Committee on Appropriations has considered for several years. It is believed by everybody that it is only a question of time when we will have to purchase this property. It is also the belief of the committee that it has been greatly depreciated in value by reason of the land already taken and by reason of the filling of the streets.

Of course, these property owners received damages in condemnation proceedings, sustained in consequence of the changes in the grade of the streets. But there are a great many of the property owners who are desirous of disposing of their property in order to obtain the money to invest elsewhere, where the investment would be profitable. In view of that fact it is believed by the conferees that if we declared it to be the purpose of Congress to purchase this land in the future and authorize the gentlemen named in this amendment to make such purchases when the opportunity is afforded, at a reasonable price, we will thereby create competition for the sale of the property from year to year and obtain the property at a much less price than we otherwise would.

Mr. UNDERWOOD. I do not agree with the gentleman in his proposition at all. I do not believe there is any necessity at this time for buying this particular property. But the gen-

tleman commits the Government to it by his proposition, absolutely. It makes warrant of law on which appropriations can be based in the future, and the only thing that the gentleman sidetracks at all is the question of carrying that amount of appropriation in the full estimate of appropriations this year.

Mr. TAWNEY. That is not all that is accomplished by any means. The most important thing that is accomplished by this amendment is the fact that the condemnation proceedings, or the method of obtaining title to the property under the Senate amendment, does not obtain under this amendment.

Mr. UNDERWOOD. I will say to the gentleman that I do not agree with him in reference to his proposition, but I do not want to object to unanimous consent and delay this bill, if he is willing to grant a reasonable time to discuss that matter. I would like to ask the gentleman what other matters in conference of importance are reported. What other matters are included in the conference report that are of importance?

Mr. TAWNEY. There are none of any general importance. There are a few increases made in appropriations for national parks that have been disallowed in whole or in part, and an amendment for surveys in Alaska, \$100,000. We appropriated \$40,000 for surveys of public lands in Alaska, and the Senate increased it to \$100,000, and we have agreed to the \$100,000, but we have stricken out the language which would authorize a part of this \$100,000 to be expended for personal services in the office of the surveyor-general, because that expenditure is unnecessary.

The surveyor-general of Alaska now has an appropriation, including his own salary, of \$12,000, \$7,500 of which is for personal services in the office. They have never had any occasion to use any part of that money heretofore. This appropriation is carried in the legislative bill. For that reason we strike out the language in the Senate amendment, which would authorize a part of that appropriation to be expended for personal services in the office. These are the principal items. They are items of minor importance respecting increases, where the Senate has entirely receded or the House has receded with amendments reducing the amount of the Senate amendment.

Mr. UNDERWOOD. I withdraw the objection.

Mr. HULL of Iowa. Reserving the right to object, I would like to ask the gentleman if this report proposes to enter upon a scheme of purchasing all property this side of C street.

Mr. TAWNEY. No; the property is mentioned in the original amendment.

Mr. HULL of Iowa. The Senate amendment proposes to buy all this property this side of C street and make a continuous park to the station.

Mr. TAWNEY. Yes; this includes all the property. We do not propose to buy it all, because that will be determined in the future.

Mr. HULL of Iowa. If we buy a part of it, we are bound to buy all. Now, if there is no objection to consider it, I would like a little time.

Mr. TAWNEY. I will yield to the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read as follows:

CONFERENCE REPORT.

[Second conference report.]

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 25552) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 69, and 84.

That the House recede from its disagreement to the amendments of the Senate numbered 32 and 60, and agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Enlarging the Capitol grounds: It is hereby declared to be the purpose of Congress to ultimately acquire all of squares numbered six hundred and thirty-two, six hundred and thirty-three, six hundred and thirty-four, six hundred and eighty, six hundred and eighty-one, six hundred and eighty-two, six hundred and eighty-three, six hundred and eighty-four, six hundred and eighty-five, seven hundred and twenty-one, seven hundred and twenty-two, and seven hundred and twenty-three, in the city of Washington, D. C., for the enlargement of the Capitol grounds, and for the construction of a direct avenue of

about one hundred and fifty feet in width from the junction of Pennsylvania avenue and First street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly fountain in said plaza, the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are hereby authorized and directed to acquire said premises by purchase, condemnation, or otherwise and to expend for that purpose not more than five hundred thousand dollars in any one fiscal year, commencing with the year nineteen hundred and eleven, and the persons authorized to acquire such property shall annually, within said limit, purchase whatever of said property is in their judgment offered at the lowest prices relative to its actual value provided they shall not purchase any property at above its fair actual value. If in any year there should not be offered property substantially up to said sum of five hundred thousand dollars at its fair value or less the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be five hundred thousand dollars' worth in any one fiscal year. If such condemnation proceedings are deemed necessary they shall be in accordance with the provisions of the act of Congress approved August thirtieth, eighteen hundred and ninety, providing a site for the enlargement of the Government Printing Office (Statutes at Large, volume twenty-six, chapter eight hundred and thirty-seven). For the execution of the foregoing, five hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted insert the following: "For the survey of the lands of the United States in the District of Alaska, one hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the payment of all and any necessary expense incurred incident to any suits brought at the request of the Secretary of the Interior, including the salary of an attorney specially employed, to set aside illegal conveyances of title or protecting the possession of Seminole allottees to their allotted lands in the Seminole Nation, to be expended under the direction of the Attorney-General, six thousand dollars;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: On page 106 of the bill, in line 23, after the word "park," insert the words "including twelve thousand five hundred dollars for the construction of a road;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "protection and;" and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102 and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "available," insert the words "to the extent of not exceeding ten thousand dollars;" and the Senate agree to the same.

On amendments numbered 62, 63, 64, 71, 76, 77, 98, 99, 107, 108, 109, 110, and 111 the committee of conference have been unable to agree.

J. A. TAWNEY,
WALTER I. SMITH,
Managers on the part of the House.
EUGENE HALE,
GEO. C. PERKINS,
A. S. CLAY,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 25552) making appropriations for the sundry civil expenses of the Government submit the following written statement in explanation of the effect of the

action agreed upon and recommended as to the said amendments, namely:

On amendment No. 27: Restores the provision to the bill, inserted by the House, limiting expenditures for roadways to not exceeding one to any one national cemetery.

On amendment No. 32: Appropriates \$25,000, as proposed by the Senate, instead of \$20,000, as proposed by the House, for Mount Rainier National Park.

On amendment No. 51: In lieu of the provision, inserted by the Senate, appropriating \$3,000,000 for enlarging the Capitol grounds, a provision is inserted declaring it to be the purpose of Congress to ultimately acquire the squares mentioned in said amendment within a period of seven years and at an expenditure of not exceeding \$500,000 per annum.

On amendments Nos. 59 and 60: Appropriates \$100,000 for surveying the lands of the United States in Alaska, instead of \$40,000 as proposed by the House.

On amendment No. 65: Appropriates \$6,000, payable out of the Treasury of the United States instead of the funds belonging to the Seminole Nation, for expenses incident to suits to set aside illegal conveyances or protecting the possessions of Seminole allottees.

On amendment No. 68: Appropriates \$20,000, as proposed by the Senate, instead of \$7,500, as proposed by the House, for the Mesa Verde National Park, with the limitation that not exceeding \$12,500 of the said sum shall be expended for a road.

On amendment No. 69: Appropriates \$5,000, as proposed by the House, instead of \$20,000, as proposed by the Senate, for the Platt National Park.

On amendment No. 70: Appropriates \$15,000, as proposed by the Senate, for improvement of Glacier National Park.

On amendment No. 84: Strikes out the provision, proposed by the Senate, appropriating to the widow of the late Justice Brewer the balance of one year's salary, the same having been provided for otherwise in the general deficiency bill.

On amendment No. 102: Inserts the provision, proposed by the Senate, to provide for certain printing for the Immigration Commission, limiting the cost of the same to not exceeding \$10,000.

The committee of conference has been unable to agree on the following amendments, namely:

On amendment No. 62: For gauging streams.

On amendments Nos. 63 and 64: Providing for the testing of structural materials by the Bureau of Mines.

On amendment No. 71: Providing for preparation of plans for improvement of Crater Lake National Park.

On amendment No. 76: Relating to the enforcement of the antitrust laws against certain organizations.

On amendment No. 77: Striking out the appropriation, proposed by the House, of \$50,000 for expenses of suits to set aside conveyances of allotted lands of the Five Civilized Tribes.

On amendment No. 98: Striking out the appropriation of \$50,000, proposed by the House, for investigation of structural materials by the Bureau of Standards.

On amendment No. 99: Appropriating \$75,000, as proposed by the Senate, for expenses included under the treaty concerning boundary matters between the United States and Canada.

On amendments Nos. 107, 108, 109, 110, and 111: Striking out the provisions proposed by the House, repealing permanent appropriations for the shipping service, the steamboat-inspection service, and the customs service.

J. A. TAWNEY,
WALTER I. SMITH,

Managers on the part of the House.

Mr. SULZER. Mr. Speaker, I desire to make an inquiry. I wish to know from the gentleman from Minnesota [Mr. TAWNEY] if the conferees have agreed regarding the appropriation for the road through Mesa Verde.

Mr. TAWNEY. We have.

Mr. SULZER. What was the amount?

Mr. TAWNEY. We accepted the Senate amendment, with language requiring the increase the Senate put on to be expended in the construction of roads and other improvements in the park. The language in which the Senate amendment was carried would have made the whole \$20,000 available only for the purpose of maintenance and construction; and the effect of this amendment is to give them \$12,500 for the improvement of the roads and to make other improvements in the park.

Mr. SULZER. That is satisfactory, and I am very glad to hear that statement.

Mr. TAWNEY. I move the adoption of the report, and yield ten minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, if this partial report from the committee on conference is adopted it carries with it

authority of the Congress to purchase three or four blocks and lots lying between the Senate Office Building and the new Terminal Station. The original Senate proposition provided an appropriation and provided for the purchase of this land in the immediate future. I do not see any reason why the land should be purchased. I have not heard it said by anyone that it was contemplated to erect public buildings upon that land.

There is no immediate necessity or any necessity in the future for the establishment of a park between the Senate Office Building and the station. There is an open, wide space in front of the terminal station, as large an area, and larger, than the space in front of the great railway station at Frankfort-on-the-Main, which is considered the most beautiful railway station in Europe. I can see, therefore, no reason for Congress either expending the money now or committing itself to the expenditure of this money in the future.

Mr. HARDY. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. HARDY. Is not there this reason—that there are a great many people owning that property who would like to sell it to the Government?

Mr. UNDERWOOD. From their standpoint, that may be a good reason; but from ours it is not.

Mr. HARDY. One further question. Does not the Government own in the city of Washington more property now than it will utilize in twenty years?

Mr. UNDERWOOD. I think so, too. We have many parks here. There is no more beautiful park in the world than the park around the Capitol. It is only a few blocks to this property, and for the convenience of the city and the beauty of the city I see no reason why this park should be established. This proposition that has been agreed to by the Senate conferees is not as good a proposition as the original proposition that passed the Senate.

The Senate provided that this property should be purchased. It provides, as I understand, for the condemnation of the property if it could not be purchased. It provided it should be condemned at once. Now, I have not had an opportunity to read the proposition coming from the conferees, but as I understand from what the gentleman from Minnesota says, and from the reading of the paper at the desk, this proposition provides for the selection of a commission that can go out and buy this property at what that commission concludes are reasonable terms. Not all of it necessarily, but a portion of it. They can buy the property and bring about the condition that my friend from Texas suggests of the parties who want to sell it, and after they have a contract made by the Government to purchase that property, then we will find ourselves in the condition where we will own a portion, or having contracted to purchase a portion of several blocks we will find that some of the property holders will not sell, and ultimately we will have to condemn their property. We have got no use for it, and we will never need it, and that is what the whole proposition will be.

Mr. SULZER. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. SULZER. In the opinion of the gentleman, would it not be better to acquire title to this property in the same way as we have acquired title to other pieces of property in the District, by condemnation?

Mr. UNDERWOOD. I am not in favor of acquiring it at all, but if we are going to acquire it at all, in my judgment the Senate proposition was a very much better proposition than the one offered by the House conferees.

Mr. SULZER. I quite agree with the gentleman about that.

Mr. SIMS. Why do we want to acquire this property, with street car tracks running all around and through it?

Mr. UNDERWOOD. I do not think we need it or want it.

Mr. SIMS. On what pretense do they base their claim for the appropriation?

Mr. UNDERWOOD. I do not know. There is no necessity for it on account of public buildings. We have just bought a piece of land down near the Treasury Department for public buildings. We have room in the Mall for other public buildings. I do not think it is contended by anyone that this property should be used for public building sites, and I agree with the gentleman from Tennessee that it is not a suitable place to establish a public park. Therefore I hope the conference report will be disagreed to.

Mr. TAWNEY. I yield to the gentleman from Iowa [Mr. SMITH] ten minutes.

Mr. CLARK of Missouri. Mr. Speaker, if the gentleman from Iowa will state precisely where this land is, it will do much to elucidate the subject.

Mr. SMITH of Iowa. Mr. Speaker, I do not know that the map I have in my hand is large enough to be seen by the Members of the House.

Mr. TAWNEY. The gentleman from Missouri has a copy of the map.

Mr. SMITH of Iowa. This map shows in black the exact squares that are proposed to be purchased. These tracts of ground are suitable for the numerous public buildings that must be erected in the near future in this city. We are now paying annually about \$500,000 rent for poor quarters in the city of Washington.

The growth of the Government is such that this will be a constantly increasing charge unless large numbers of public buildings are erected. By the purchase of these lands in question we will provide a magnificent avenue from the Union Station to the Peace Monument, we will provide land for additional small parks for the present, and land for public buildings in the future.

It is my purpose to confine my remarks briefly to showing why the substitute has been inserted in lieu of the Senate amendment.

The Senate insisted on the purchase of this property, and that proposition, I think, is, in general, a very meritorious one; but heretofore we have had but two methods of acquiring property in the city of Washington, both of which of necessity resulted in our paying extortionate prices for the property. We could either condemn the property or we could pay just what the people asked for it. If we condemned it, juries in the District of Columbia gave prices even higher than we could acquire the property for by private negotiation, and there has been no system devised thus far by which we could buy property in the city of Washington for a fair price. This project is an experiment. Heretofore, if we decided to buy a given tract of land, in place of there being any competition to sell to us, there was of necessity an immediate combination among all the owners of the property in the tract to be purchased to boost the price as high as possible, and each owner was ready to swear that the rest of the property was worth far more than it was worth in fact. It occurred to the committee that if some plan could be devised by which there would be competition among the owners of the property to sell, in place of a combination, that the Government would be able to buy much more cheaply than under the present system.

Mr. RUCKER of Missouri. Will the gentleman yield for a question?

Mr. SMITH of Iowa. I will yield, but I would a little rather finish this statement, if the gentleman will pardon me. This plan consists in declaring the ultimate purpose of the Government to buy a given tract of land consisting of many parcels. By that governmental declaration that land becomes unsalable for purposes of improvement, for the establishment of permanent business thereon. Now, in that situation if but a small percentage of the land is to be bought each year, we hope there will be competition among the owners of parcels to see which shall sell first to the Government. This plan therefore provides for the acquisition of this land in seven years, and it is estimated that it will cost about \$3,500,000 to buy it, and the plan provides that we shall buy each year up to \$500,000 whatever land is offered at the lowest price relative to its actual value.

If, therefore, we are to buy one-seventh of this property each year, we think the several owners will be trying to unload at the earliest possible time, and we will have competition to sell in place of combination among the owners of property in this area, we will have actual competition among the people to see who will first realize on his property.

I do not want to predict the result of this project. We have found the only other existing methods of buying property for the Government to result in the extortionate prices, and we have tried to devise a system under which we hope and think we will be able to get the property at a reasonable price.

Mr. UNDERWOOD. As I stated before, I have not had a chance to see this proposition in print and I am not so conversant with it as I perhaps should be, but I would like for the gentleman to state what limitations there are on the commission and the price.

Mr. SMITH of Iowa. The limitation is \$500,000 a year, and \$500,000 is appropriated by this bill for the year 1911, and that this commission shall receive bids for any land within this amount and shall buy whatever is offered at the lowest price compared with its actual value, provided they shall pay no more than a fair market value for any of it.

Mr. UNDERWOOD. It places it absolutely in the hands of the commission. I do not mean to say that the commission will do it, but they can pay the whole \$500,000 for one small lot if they are willing to say that it is a reasonable price.

Mr. SMITH of Iowa. If the commission, composed of the Vice-President, the Speaker of the House of Representatives, and the Superintendent of the Capitol, all say that the property is offered at a fair price, they have a right to buy it up to the limit of \$500,000.

Mr. UNDERWOOD. I will say to the gentleman that I recognize the high standing of the gentlemen on this commission and their character, which warrants me in assuming that they are going to do what is right, but I know nothing about the abilities of these gentlemen to buy real estate or of their knowledge of real estate values.

I know myself that if I was on a commission of that kind a lot of real estate agents could walk clean around me, because I know nothing of values. I do not know whether these gentlemen do, and therefore—of course there are extreme limitations one way or the other, but within reasonable limits—I say that there is no limitation on this proposition.

Mr. SMITH of Iowa. I will say to the gentleman that I think there are more limitations on this proposition than any other I have ever known the Government to be connected with.

Mr. UNDERWOOD. Where are the limitations?

Mr. SMITH of Iowa. In the first place, these three men composing the commission must buy at the cheapest offer and at a price that is the fair market value. I do not know of any greater limitation that you could put on it.

Mr. UNDERWOOD. Let me ask the gentleman, Is not several blocks of this land owned by the Baltimore and Ohio Railroad Company?

Mr. SMITH of Iowa. I do not think so.

Mr. UNDERWOOD. It was formerly owned by them down where the old station was if they have not sold it.

Mr. SMITH of Iowa. I may be mistaken, but my understanding is that they do not own it at present.

Mr. UNDERWOOD. Will the gentleman state whether or not they have not tried to sell the land to the Government?

Mr. SMITH of Iowa. Not to my knowledge.

Mr. TAWNEY. If the gentleman from Iowa will permit me, and I can have the attention of the gentleman from Alabama [Mr. UNDERWOOD], this is what I think the agreement is between the Pennsylvania Railroad and the Government: If the Government hereafter purchases the land from the Pennsylvania Railroad Company, the understanding is that it is to pay the price the Pennsylvania Railroad Company paid for the property, plus 6 per cent. That is already agreed to.

Mr. UNDERWOOD. Does the gentleman know anybody else that wants to sell this property to the Government besides the Pennsylvania Railroad?

Mr. TAWNEY. All of this property is virtually condemned now. There is a cloud on the title of all of it now.

Mr. UNDERWOOD. If Congress stopped agitating it there would be no cloud on the title.

Mr. TAWNEY. The improvements that have been made down there, in the raising of the streets, virtually destroyed the property for the purposes for which the property has heretofore been used.

Mr. SIMS. They paid damages for that?

Mr. TAWNEY. Yes.

Mr. DOUGLAS. The result of this plan would be, would it not, that a piece of property here and there and yonder might be purchased, and that the whole tract, unsightly as it is, would remain in the same unsightly condition for seven years?

Mr. SMITH of Iowa. As a matter of fact, if each whole square was purchased in fractions so as not to acquire the whole square for seven years, that might be true. If we acquired a whole square of this property we could improve it at any time. We could acquire a square the first year.

Mr. DOUGLAS. It is probable that it will remain unsightly.

Mr. SMITH of Iowa. I would not think so.

Mr. DOUGLAS. In reference to the suggestion made by the gentleman from Alabama, I fully believe that this plan is better than to have an upset price, as he suggests, because if later a high price were fixed we would never get any at less than the high price.

Mr. SIMS. When we were passing the bill to locate those street car lines down there in front of the station, I did everything I could to keep them from going there, because I contended then that the day would come when the gentlemen who owned these lands would come here and tell us that we could not get along without them. It will result in our paying damages to the street-car companies for the vast sums they expended in putting the tracks there.

Now, I happen to know some gentlemen who have been working at this very thing for years, ever since a railroad union

station was located down there. It is a common thing here for gentlemen to get together and buy up lands, or get options on them, and start a boom in order to sell the land to the Government. If we keep on in this way we will encourage just such schemes as have always been put through here. If we are going to keep on acquiring land, we ought to buy every foot of unimproved land in the District, even if we have to issue government bonds, and then lease for a rental and let the Government get something out of it.

The people now are claiming that the Government has acquired so much property that it has increased the taxes upon the property of people who own real property until the taxes have become a great burden. They come here and make complaint. Now, a few years ago—

Mr. SMITH of Iowa. I thought the gentleman was going to ask a question.

Mr. SIMS. This is some information you ought to have. A few years ago there was a campaign started along the lines that the records of the Government in many of the public buildings were in danger of being burned up and destroyed, which would cost the Government millions of dollars. There was a lot purchased next to the Riggs Bank on which to build a hall of records. It is as bare to-day as when it was purchased. The improvement has not been put there, and the money that would have been received for taxes is lost to the District. If we are going to buy, let us buy the whole thing, and let us put these real estate schemers out of business.

Mr. SMITH of Iowa. I would state to the gentleman that the land next to the Riggs Bank was purchased for the Department of Justice.

Mr. SIMS. How many halls of records have you got here?

Mr. SMITH of Iowa. I am opposed to the building of a hall of records.

Mr. SIMS. Why not propose to buy all?

Mr. MOORE of Pennsylvania. I think the gentleman might help the situation if he would explain the effect of condemnation as against all these tracts.

Mr. SIMS. We do not need the land.

Mr. SMITH of Iowa. The trouble with the people in the District of Columbia in reference to the purchase of lands by the Government is that they are extremely liberal with money that they do not pay, and we have profited by the experience that we have had as to the proposition of buying lands, and we are trying to find some one to devise some system by which the lands for increasing public buildings may be acquired at a fair price. We hope by this plan to accomplish that purpose. However, we can give no absolute assurance that it will do so.

Mr. COOPER of Wisconsin. I would like to ask the gentleman, were not the condemnation proceedings against the property from Pennsylvania avenue south to the Mall successful?

Mr. SMITH of Iowa. They were successful, but we paid an extremely high price for the property.

Mr. COOPER of Wisconsin. Well, the Government paid a very much less price than it would have paid if the Government had bought it at the price they demanded.

Mr. SMITH of Iowa. The gentleman misunderstands this proposition. It provides that they shall not buy the property, except they buy it at fair market value. They are not required to take it unless they can buy it in that way. This is simply to provoke competition between the owners; and then it provides that these three who constitute the board or commission shall proceed to condemn the property, as in the case you refer to, if they can not buy it at the price they consider reasonable.

Mr. COOPER of Wisconsin. In my opinion condemnation proceedings to take the property would be the thing to do. I do not think that there was any difficulty in getting at the value south of the Avenue. I remember that one man set up a claim and said property was worth \$220,000, or over \$200,000, and they proceeded to produce this man's affidavit as to what he thought it was worth for taxation purposes, and he said \$200,000.

Mr. SMITH of Iowa. What was the verdict?

Mr. COOPER of Wisconsin. The verdict was in favor of the Government.

Mr. SMITH of Iowa. The verdict, I think, was very much in favor of the property owners.

Mr. COOPER of Wisconsin. We appropriated \$2,500,000.

Mr. SMITH of Iowa. The average juror in the city of Washington is unconsciously biased in favor of Washington property owners as against the Government of the United States. Now, the effort is to get a fair competition, and it is not expected that the commission will pay more than a fair market value for the property, and if they can not buy at that, then they will condemn it, and \$500,000 is provided to pay a fair market value.

Mr. STAFFORD. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. STAFFORD. In this connection, has the committee considered the fact that two of these men that are named on this commission are very busy, the Speaker of the House and the Vice-President, who are necessarily absorbed with other duties, and may not be able to give this question attention that is necessary to determine whether the price of the property is reasonable or not, and it virtually leaves the whole question of the purchase of this land to one person—to the Superintendent of Buildings and Grounds? I think that this is too important to leave to be decided by any one man, however competent he may be. The Speaker and the Vice-President will be obliged, necessarily, to follow his recommendation.

Mr. SMITH of Iowa. It is not left to the Superintendent of Public Buildings and Grounds, but to the Superintendent of the Capitol Buildings and Grounds.

Mr. STAFFORD. I submit we ought not leave it virtually to the control of one man.

Mr. SMITH of Iowa. Who would you suggest?

Mr. STAFFORD. I have not given it such consideration as to be able to state; but I would leave it to some commission that would have time to attend to the business. At times the Speaker and the Vice-President will not have time to go into this business, and I know they are too busy to come in and determine on this important matter.

Mr. SMITH of Iowa. Because of the confidence that is reposed in them is why we want them appointed to make this purchase.

Mr. SIMS. This is just one of the ways that these lands get into the hands of a syndicate, who will try to elect men to these positions.

Mr. BURKE of Pennsylvania. Not this position.

Mr. SIMS. The Speaker of the House is elected, and these men might make an effort to control the election of the man in that place.

Mr. RUCKER of Missouri. I want five minutes.

Mr. SMITH of Iowa. I have not control of the time.

Mr. TAWNEY. Mr. Speaker, how much time have I remaining?

Mr. JAMES. Why is it that you do not provide if this commission makes a contract for this property that they shall report back to Congress and let it determine whether the property should be bought?

Mr. SMITH of Iowa. You can not certainly do that; it is an absolutely impracticable proposition.

Mr. JAMES. They can make their report to Congress and it can determine.

Mr. SMITH of Iowa. Well, that will be impracticable.

Mr. JAMES. They can make a report.

Mr. SMITH of Iowa. That would not be practicable, and they could not purchase it in that way.

Mr. JAMES. They ought not to launch into a proposition of that kind without proper safeguards.

Mr. TAWNEY. How much time have I remaining?

The SPEAKER. The gentleman has thirty-four minutes.

Mr. TAWNEY. I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HARDY. While the gentleman from Minnesota is on his feet I should like—

Mr. HULL of Iowa. I hope the gentleman will not occupy my time.

Mr. RUCKER of Missouri. Will the gentleman permit me?

Mr. HULL of Iowa. Not if it comes out of my five minutes.

Mr. TAWNEY. I will yield to the gentleman later.

Mr. HULL of Iowa. Mr. Speaker, I am exceedingly sorry that the House conferees have agreed to a proposition to purchase all this land. I can see the necessity of purchasing that part that has been damaged, adjoining the Union Station plaza, and in order to square out the plaza up to C street; but it does seem to me that it is an extravagant proposition for the Government to come this side of C street to purchase the blocks of buildings that have not been damaged in any way by the improvement at the Union Station. My colleague from Iowa [Mr. SMITH] thinks that it is for future buildings to be erected here, but it seems to me that that is not one of the objects at all. It is simply to make a park from the Capitol grounds to the Union Station, and will cost the Government, I should imagine, at least \$3,000,000, if the entire programme can be carried out for \$3,600,000. The property the other side of C street, the little fractions that are left here and there, around the plaza, are of but little value, and the Government could well afford to take them to make the great park that it would be when this is done. We are now buying ground on Pennsylvania avenue for public

buildings, and when that movement was started it was understood by the Congress that the future buildings to be erected in this city were to be on the south side of the Avenue. We have already purchased at least two squares, if not more, and it is proposed to continue that purchase until we own all the south side of the Avenue.

If we make this appropriation of some \$3,000,000 simply to buy from C street to the Capitol grounds, we are doing it for park purposes and for park purposes only; and while we might all rejoice in having a great, magnificent thoroughfare from the Capitol to the Union Station, it seems to me the country is in poor shape now to spend this large amount of money or to enter upon contracts which will lead us to expend it for no purpose on earth except to gratify some of the aesthetic gentlemen of Washington. We have in Washington the best park system in the world, in my judgment, although I have not traveled enough to be an expert. We have parks everywhere throughout the city that afford breathing places, as well as the magnificent system of parks outside of the city, of which we are all proud, and it seems to me that we need \$3,000,000 for so many other things that are of direct benefit to the Government that there can be no excuse for this Congress at this time entering into contracts to buy property that the Government does not need and upon which it will never erect a building if purchased, but will simply result in further extravagant expenditures for the mere beautification of the city. I am not one of those who believe that that is of such great importance as to justify the Congress in the expenditure of this money. I am one of those who believe that we ought to buy all the property connected with the plaza surrounding the Union Station up to C street, but stop at that point, and, in my judgment, \$500,000 will do that.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. HULL of Iowa. Yes.

Mr. COOPER of Wisconsin. Is the gentleman aware that one of the proposed sites for the proposed magnificent memorial to Lincoln is between here and C street?

Mr. HULL of Iowa. And is not the gentleman also aware that there has never been a proposition to take a portion of a park to put a building on it but that it is always opposed by those who want us to buy other grounds for the buildings? The very minute you make this a park you forever take it out of the possibility of this Government using it for buildings. The gentleman from Tennessee [Mr. SIMS] told the truth about the matter, that we are constantly segregating taxable property here and making the burdens harder and harder on the remainder of the property. Soon the Government will be called upon to pay more than half of all taxes. I have never yet, since I have been a Member of Congress, and I have been here a good while—I will not be here very much longer, I am sorry to say—I have never found a case yet where it was proposed to use a park for building purposes that there was not opposition to its use for such purposes. I am opposed to this measure as extravagant and unnecessary. If we want to complete our park system we should go to the river-front park and purchase the land necessary to connect the parks on the river with Rock Creek Park, so as to complete the finest park system on the continent.

The main argument made for the purchase of these squares lying between here and C street is to make a great thoroughfare between the Capitol and the Union Station, to make a beautiful park and an open, wide vista. In my judgment the Union Station, if improved as I have suggested, will be one of the most beautiful parks in the world, and it is all the Government should do in this line at this place. [Applause.]

Mr. TAWNEY. I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER of Missouri. Mr. Speaker, I am opposed to the provision in the conference report under consideration, because it is wholly unnecessary. I am opposed to it for another reason. No gentleman on this floor, as I recall it, has stated fairly what this proposition involves. Some gentlemen have said the provision contemplates the purchase of the property between the Senate Office Building and the Union Station; but, as a matter of fact, it takes all the property from the Peace Monument to the Union Station, all the property lying northeast of Capitol square; and, as I say, I am opposed to it because it is absolutely unnecessary for the Government to buy it. When we bought the great block of land on Pennsylvania avenue a few years ago it was then stated that the policy of Congress was to place all the government buildings along the Avenue, and in order to carry out that project we bought the most valuable block of land there on the Avenue, from the Capitol to the

Treasury Department, except those containing some large hotels and some government buildings.

I say that the Government has absolutely no need of this land between the Capitol and Union Station, and, besides, the method by which it is to be purchased is a snare and a delusion.

You say you will buy \$500,000 worth of land one year, and in that way you will buy first from those most anxious to sell, thus forcing competition between sellers. The Government proposes to take advantage of the necessities of some owners, which may force some few to sell, and they can then buy the remaining lots at a reasonable price, knowing full well that when we buy from the poor man, who perhaps owns a lot here or a lot there, that from that very moment the balance of this property will command a higher value. So that ultimately we will be paying fictitious values, abnormal prices, and values at which the whole country would be astounded if they knew the truth about what Congress is doing.

Mr. Speaker, I oppose it for another reason. These gentlemen artfully seek to avoid the appropriation of \$3,600,000 being charged up against the party in power at this session by dividing the sum into five or six parts, to be expended within five years, and thus avoid the responsibility of an appropriation of this large sum in one item.

I am opposed to it, because we are now told in all the departments of the Government that there is a lack of money; there is no money to build public buildings in the cities of the country. We are told that there was an ironclad rule or requirement that the public buildings bill must be kept within certain limits because of the condition of the Treasury. We are told that we must abandon the extension of the rural free delivery, by which the farmers and taxpayers of the country are all benefited, because there is no money in the Treasury. The Committee on Claims and the Committee on War Claims have in their committee rooms thousands of dollars of just claims against the Government due to citizens of this country, many of them due to old soldiers, who for four years bore the musket and followed the flag. They can not be paid because the Government is almost bankrupt.

Mr. Speaker, in the name of my constituents, in the name of the taxpayers of this country, I denounce the scheme of profligacy and wanton waste which has been hatched up by various property owners around the District of Columbia to force the Government to buy this property. Let me say to the gentleman in charge of this report, and he knows it, that Members of Congress are daily besieged by the owners of property to give their votes for this bill—men who are rich and who have been buying property in the expectation that the Government would buy it. For one, I spurn the importunities of these gentlemen, and, as an American citizen, I shall try to represent my constituents, whom I swore to serve, and oppose all such schemes as this. [Applause.]

Mr. TAWNEY. Mr. Speaker, in reply to the gentleman from Missouri [Mr. RUCKER] I want to say that this plan which he denominates a scheme has not been hatched in the minds of any real estate owners or wealthy people in the District of Columbia, as claimed by him.

Mr. RUCKER of Missouri. How does the gentleman know that?

Mr. TAWNEY. Because they are opposed to it.

Mr. RUCKER of Missouri. I can tell you that they are not opposed to it.

Mr. TAWNEY. I decline to yield.

Mr. RUCKER of Missouri. I know they are not opposed to it.

Mr. TAWNEY. The plan proposed in this bill is not the plan the property owners want, and I know more about this than the gentleman from Missouri does. The plan here proposed was suggested some two or three years ago by my colleague on the committee, the gentleman from Iowa [Mr. SMITH], when the question of purchasing the property south of Pennsylvania avenue was first proposed.

And when this plan was proposed on last Sunday to one of the property owners, or one who has an option on a great deal of property down there, he protested against it in the most vigorous manner, claiming that it would not be just to the property owners there, for the very reason that it would create competition for the sale of property, much of which is owned by department clerks, who are anxious to get their money out of the property and invest elsewhere, and will take advantage of the fact that they have this opportunity if they put a reasonable price on their property to sell it and have it paid for out of the money appropriated for that purpose this year.

That is all I wish to say, Mr. Speaker. I now move the previous question.

The previous question was ordered.
 The SPEAKER. The question is on agreeing to the conference report.
 The question was taken, and the Chair announced that the ayes seemed to have it.
 Mr. MADDEN. Division, Mr. Speaker.
 The House divided; and there were—ayes 105, noes 85.
 Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.
 The yeas and nays were ordered.
 The question was taken; and there were—ayes 141, nays 131, answered "present" 13, not voting 104, as follows:

YEAS—141.

Alexander, N. Y.	Esch	Kennedy, Iowa	Pray
Ames	Fassett	Kinkead, N. J.	Prince
Austin	Focht	Knapp	Pujo
Barchfeld	Fordney	Knowland	Ransdell, La.
Barnard	Foss, Ill.	Kronmiller	Reeder
Bartholdt	Foster, Vt.	Küstermann	Reynolds
Bates	Foulkrod	Law	Richardson
Bennet, N. Y.	Fuller	Lawrence	Roberts
Bingham	Gaines	Loud	Rodenberg
Boutell	Gardner, Mich.	Loudenslager	Scott
Bradley	Gardner, N. J.	Lowden	Sheffield
Burke, Pa.	Gillett	Lundin	Simmons
Burke, S. Dak.	Glass	McCall	Slemp
Calder	Goebel	McCreary	Smith, Cal.
Calderhead	Graff	McCredie	Smith, Iowa
Cassidy	Grant	McKinlay, Cal.	Smith, Mich.
Chapman	Greene	McKinley, Ill.	Southwick
Cocks, N. Y.	Griest	McKinney	Sterling
Cole	Guernsey	McLachlan, Cal.	Stevens, Minn.
Cooper, Pa.	Hamer	McLaughlin, Mich.	Sturgiss
Cowles	Hamilton	Malby	Sulloway
Craig	Havens	Mann	Tawney
Creager	Hawley	Miller, Kans.	Taylor, Ala.
Crumacker	Hay	Millington	Taylor, Ohio
Currier	Hayes	Mondell	Tener
Dalzell	Heald	Moon, Pa.	Thomas, Ohio
Davidson	Henry, Conn.	Moore, Pa.	Tilson
Denby	Higgins	Morgan, Okla.	Washburn
Diekema	Hinshaw	Needham	Weeks
Dodds	Hollingsworth	Olcott	Wheeler
Draper	Howard	Olmsted	Wiley
Driscoll, M. E.	Howell, N. J.	Parker	Wood, N. J.
Durey	Hubbard, Iowa	Parsons	Woodyard
Dwight	Joyce	Payne	
Elvins	Keifer	Plumley	
Englebright	Keilher	Pratt	

NAYS—131.

Alken	Edwards, Ga.	Kendall	Rauch
Alexander, Mo.	Ellerbe	Kopp	Robinson
Anderson	Ferris	Korbly	Roddenbery
Bartlett, Nev.	Finley	Lamb	Rothermel
Beall, Tex.	Fish	Lenroot	Rucker, Colo.
Bell, Ga.	Floyd, Ark.	Lever	Rucker, Mo.
Boehne	Foster, Ill.	Livingston	Sabath
Booher	Gallagher	Lloyd	Saunders
Borland	Garner, Tex.	McDermott	Sharp
Bowers	Garrett	Macon	Sheppard
Brantley	Gillespie	Madden	Sherley
Burgess	Gordon	Maguire, Nebr.	Sherwood
Burnett	Goulden	Maynard	Sims
Byrns	Graham, Ill.	Mays	Sisson
Candler	Hamlin	Moon, Tenn.	Smith, Tex.
Carter	Hammond	Moore, Tex.	Splight
Cary	Hardwick	Morgan, Mo.	Stafford
Clark, Mo.	Hardy	Morrison	Stephens, Tex.
Cline	Haugen	Moss	Sulzer
Collier	Heflin	Murdoch	Talbot
Cooper, Wis.	Helm	Murphy	Thistlewood
Covington	Henry, Tex.	Nelson	Thomas, Ky.
Cox, Ind.	Hitchcock	Nicholls	Thomas, N. C.
Crow	Houston	Nye	Tou Velle
Cullop	Hubbard, W. Va.	O'Connell	Turnbull
Davis	Hughes, Ga.	Oldfield	Underwood
Dent	Hughes, N. J.	Page	Volstead
Denver	Hull, Iowa	Palmer, A. M.	Watkins
Dickinson	Hull, Tenn.	Patterson	Webb
Dickson, Miss.	James	Pickett	Wickliffe
Dies	Johnson, Ky.	Poindexter	Wilson, Ill.
Dixon, Ind.	Johnson, S. C.	Pou	Woods, Iowa
Driscoll, D. A.	Jones	Rainey	

ANSWERED "PRESENT"—13.

Bartlett, Ga.	Hobson	Martin, Colo.	Young, N. Y.
Clark, Fla.	Lafean	Padgett	
Douglas	Langham	Sparkman	
Graham, Pa.	Lee	Wanger	

NOT VOTING—104.

Adair	Carlin	Garner, Pa.	Jamleson
Adamson	Clayton	Gill, Md.	Johnson, Ohio
Allen	Conry	Gill, Mo.	Kahn
Andrus	Cook	Gilmore	Kennedy, Ohio
Ansberry	Coudrey	Godwin	Kinkaid, Nebr.
Anthony	Cox, Ohio	Goldfogle	Kitchin
Ashbrook	Cravens	Good	Langley
Barclay	Dawson	Gregg	Latta
Barnhart	Edwards, Ky.	Gronna	Legare
Bennett, Ky.	Ellis	Hamill	Lindbergh
Broussard	Estopinal	Hanna	Lindsay
Brownlow	Fairchild	Harrison	Longworth
Burleigh	Fitzgerald	Hill	McGuire, Okla.
Burleson	Flood, Va.	Howell, Utah	McHenry
Butler	Foelker	Huff	McMorran
Byrd	Fornes	Hughes, W. Va.	Madison
Campbell	Foss, Mass.	Humphrey, Wash.	Martin, S. Dak.
Cantril	Fowler	Humphreys, Miss.	Miller, Minn.
Capron	Gardner, Mass.	Morehead	

Morse	Randell, Tex.	Snapp	Townsend
Moxley	Reid	Sperry	Vreeland
Mudd	Rhinock	Stanley	Wallace
Norris	Riordan	Steenerson	Weisse
Palmer, H. W.	Shackelford	Swasey	Willett
Peare	Slayden	Taylor, Colo.	Wilson, Pa.
Peters	Small	Tirrell	Young, Mich.

So the conference report was agreed to.
 The Clerk announced the following pairs:
 For the session:
 Mr. YOUNG of New York with Mr. FORNES.
 Mr. WANGER with Mr. ADAMSON.
 Mr. KENNEDY of Ohio with Mr. ASHBROOK.
 Mr. ANDRUS with Mr. RIORDAN.
 For the balance of the session:
 Mr. DOUGLAS with Mr. ANSBERRY.
 Mr. FAIRCHILD with Mr. HOBSON.
 Mr. MORSE with Mr. SLAYDEN.
 Mr. HANNA with Mr. BROUSSARD.
 Mr. MARTIN of South Dakota with Mr. MARTIN of Colorado.
 Mr. YOUNG of Michigan with Mr. SPARKMAN.
 Mr. TOWNSEND with Mr. SHACKLEFORD.
 Until further notice:
 Mr. LANGLEY with Mr. BARTLETT of Georgia (except on cotton-futures bill, both being in favor of bill).
 Mr. MUDD with Mr. TAYLOR of Colorado.
 Mr. MILLER of Minnesota with Mr. STANLEY.
 Mr. MCGUIRE of Oklahoma with Mr. RHINOCK.
 Mr. LINDBERGH with Mr. RANDELL of Texas.
 Mr. KINKAID of Nebraska with Mr. PETERS.
 Mr. LAFEAN with Mr. MCHENRY.
 Mr. JOHNSON of Ohio with Mr. LEGARE.
 Mr. KAHN with Mr. ESTOPINAL.
 Mr. PEARRE with Mr. WILLETT.
 Mr. HUMPHREY of Washington with Mr. HAMILL.
 Mr. HUFF with Mr. HARRISON.
 Mr. HOWLAND with Mr. LATTI.
 Mr. LONGWORTH with Mr. GODWIN.
 Mr. HOWELL of Utah with Mr. GOLDFOGLE.
 Mr. HILL with Mr. GILL of Missouri.
 Mr. GARNER of Pennsylvania with Mr. GILL of Maryland.
 Mr. FOELKER with Mr. FOSS of Massachusetts.
 Mr. ELLIS with Mr. FITZGERALD.
 Mr. COUDREY with Mr. COX of Ohio.
 Mr. CAMPBELL with Mr. CARLIN.
 Mr. BURLEIGH with Mr. BYRD.
 Mr. BENNETT of Kentucky with Mr. BURLESON.
 Mr. BARCLAY with Mr. BARNHART.
 Mr. ANTHONY with Mr. ADAIR.
 Mr. MCMORRAN with Mr. CLAYTON.
 Mr. SPERRY with Mr. CRAVENS.
 Mr. CAPRON with Mr. GILMORE.
 Mr. SNAPP with Mr. REID.
 Mr. HUGHES of West Virginia with Mr. LINDSAY.
 Mr. BUTLER with Mr. GREGG.
 Mr. COOK with Mr. HUMPHREYS of Mississippi.
 Mr. GRAHAM of Pennsylvania with Mr. FLOOD of Virginia.
 Mr. GRONNA with Mr. JAMIESON.
 Mr. MOXLEY with Mr. CONRY.
 Mr. BROWNLOW with Mr. WEISSE.
 Mr. ALLEN with Mr. CANTRILL.
 Mr. VREELAND with Mr. PADGETT (except on cotton futures, public building bills, and Appalachian Forest Reserve).
 Mr. TIRRELL with Mr. KITCHIN.
 For the day:
 Mr. LANGHAM with Mr. WILSON of Pennsylvania.
 Mr. SWASEY with Mr. CLARK of Florida (except on Appalachian Reserve).
 From June 1 until the end of the session:
 Mr. HENRY W. PALMER with Mr. LEE.
 From June 22 until Thursday night, June 23:
 Mr. MOREHEAD with Mr. SMALL.
 The result of the vote was then announced as above recorded.
 Mr. TAWNEY. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments not agreed to, except Senate amendment 76, on which a separate vote is desired.
 The SPEAKER. The gentleman from Minnesota moves to further insist on disagreement to the Senate amendments, except amendment No. 76.
 Mr. DALZELL. Mr. Speaker, I ask to have a separate vote on amendment No. 63.
 The SPEAKER. The gentleman from Pennsylvania asks to have a separate vote on amendment No. 63.
 Mr. UNDERWOOD. Mr. Speaker, I desire to ask what amendment No. 76 is.

Mr. TAWNEY. It is the amendment providing for a limitation offered by the gentleman from New Jersey [Mr. HUGHES].

The SPEAKER. Without objection, on all of the amendments except those numbered 63 and 76 the House will further insist upon its disagreements to the Senate amendments. [After a pause.] The Chair hears no objection.

Mr. TAWNEY. The first amendment is amendment No. 63.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 114, amendment 63:

"For the continuation of the investigation of the structural materials, both belonging to and for the use of the United States, such as stone, clays, cement, etc., under the supervision of the Director of the Bureau of Mines, including necessary personal services, \$100,000."

Mr. DALZELL. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania moves that the House recede from its disagreement and to concur in the Senate amendment just read.

Mr. TAWNEY. Mr. Speaker, this is the third time this proposition has been presented to the House. On two previous occasions the House, the first time by a very large majority, and the second time by a substantial majority, sustained the Committee on Appropriations and the committee of conference. I hope that the House will again vote to sustain the conferees and further insist upon its disagreement to this amendment.

I now yield twenty minutes to the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, it is true, as the gentleman from Minnesota has stated, that this is the third time that the House is called upon to vote upon this proposition. I was not present when the first vote was taken. I do not know whether there was a substantial vote one way or the other, but I do know that on the second occasion the motion that I made to concur in the Senate amendment was carried upon a rising vote, and upon a vote by tellers was lost by only five.

Now, I propose simply to state the situation without going at any length into argument.

Since 1905 every sundry civil appropriation bill has contained a provision appropriating a certain amount of money, beginning with a small sum, but increasing it to a larger, appropriating a certain amount of money to the technological branch of the Geological Survey for the purpose of investigating structural materials. These investigations have been carried on by that branch of the Geological Survey during all these years, and they came to amount to something of very great importance to the Government. Structural materials have been examined for the War Department, for the Navy Department, for the Isthmian Canal, and for the Supervising Architect of the Treasury, who will have to expend in the next three or four years some \$50,000,000 in the construction of public buildings.

Now, Mr. Speaker, naturally this sundry civil appropriation bill should carry an appropriation similar to the preceding ones for the Geological Survey were it not for the fact that during this present year Congress has created a Bureau of Mines; and under the organic act creating the Bureau of Mines it is provided that all the experts in the employment of the Geological Survey in its technological branch, and all the buildings and apparatus and laboratories and testing machines and everything connected with the Geological Survey used in the investigation of structural materials, shall be turned over to the Bureau of Mines. Naturally, therefore, carrying out the policy that Congress has heretofore adopted, there ought to have been an appropriation of \$100,000 for the Bureau of Mines, the successor under the law of the Geological Survey. When the Committee on Appropriations, however, bring in their bill, we find that they make the appropriation which ought to be for the Bureau of Mines for the Bureau of Standards. Now, the Bureau of Standards has never done any of this work heretofore. There is no reason in the world why any intelligent man should take away from the establishment at Pittsburg that has heretofore done this work all these experts and all the machinery and testing apparatus belonging to it and put the appropriation that it has heretofore had to another bureau, thus leaving the Bureau of Mines with its experts and equipment, with funds for its work.

I merely state this proposition. I shall not stop to argue it. But, again, the Bureau of Standards, by its organic law, is not intended to do any such work as under the law belongs to the Bureau of Mines. The gentleman from Minnesota argues for the ability of the Bureau of Standards to do testing work. I admit that; but there is a vast difference between testing work and the investigation of structural materials. The investigation of structural materials involves the examination of quarries, the examination of mines, the examination of

various kinds of strata, in the first instance, and then the reexamination in a laboratory of what has been obtained, by the same engineers.

This involves the possession of a field force, and the Bureau of Standards has no such force and never was intended to have such force. The work of the Bureau of Standards is office work pure and simple.

Mr. MADDEN. Does the gentleman wish the House to understand that before a test can be made of structural material an investigation must also be made of the earth in which the material is found?

Mr. DALZELL. Oh, no; not at all.

Mr. MADDEN. That is what the gentleman says.

Mr. DALZELL. Oh, not at all. In some cases that is true, but not in all—not necessarily true.

Mr. MADDEN. I do not think it is true in any case.

Mr. DALZELL. Now, I put this question: What reason is there, with an established institution of six or seven years' standing, with an equipment turned over under the law to a bureau under a new name—what reason is there why the work done during this last six years should be brought here to the city of Washington to the Bureau of Standards? No reason can be given.

Now, I call your attention to a statement made by the gentleman from Minnesota on the floor here the other day for some purpose best known to himself:

That is a wide difference, and that is one reason, my friends, why the technological branch of the Geological Survey has been so popular. When the Pennsylvania Railroad can go to the Geological Survey, as it has heretofore, and have its structural materials tested at the expense of the Government; when the United States Steel Corporation, of Pittsburg, can go to the Bureau of the Geological Survey and have its materials tested and investigated at government expense; and the other great corporations of this country, is it not natural that they in return for this favor would support and urge on Members of Congress the granting or appropriating of all the money that such a bureau might need?

I say I do not know why the gentleman made that statement, bringing prominently before the House the Pennsylvania Railroad Company and the United States Steel Corporation in connection with this matter; but I am here to say now that I made it my business to make an investigation as to the truth of the gentleman's statement, and I find that the Pennsylvania Railroad has never had a test made by the Geological Survey at Pittsburg. I find that the United States Steel Corporation has never had a test made by the Geological Survey at the city of Pittsburg. Then the gentleman went on to say that these tests furnished the reason why these corporations were now demanding that this policy be continued.

In reply to that I want to say further in this connection that while I have heard from engineers all over this country, not simply engineers from Pennsylvania, but engineers from all over this country, demanding that this policy be continued, I have not heard a word from either the Pennsylvania Railroad Company or the United States Steel Corporation on this subject. The mention of those two corporations I admit might prove of service to the gentleman in an audience outside of this House, subject to prejudice and not to reason, but I have too high an estimate of the intelligence of my fellow-Members to believe that their mention will have any influence here to control the reason of the Members of the House of Representatives.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. DALZELL. I want to occupy not more than two minutes more. It has been suggested that there ought to be a consolidation of work of this character, and that therefore it ought to go to the Bureau of Standards. How there could be any consolidation by sending to the Bureau of Standards certain of the work that has been done in the city of Pittsburg and leaving the balance there I am at a loss to understand. But I want to call attention to the fact that there is no present necessity for any concentration of work now being done by various departments of the Government.

The report of the National Academy of Sciences, made to the President January 16, 1909, in response to an item in the sundry civil act for 1909, says:

That the amount of actual duplication of work now carried on by the government bureaus is relatively unimportant; * * * that while the consolidation of some branches of work now carried on in several organizations is probably advisable, specific recommendations in reference to such consolidation can be made wisely only after a careful consideration of all the facts by a board hereinafter suggested or by some similarly competent body.

The above recommendations in the report of the Academy of Sciences refer to all of the varied bureaus of the Government, including those of Chemistry, Department of Agriculture, Bureau of Health in the Marine-Hospital Service, as well as the Bureau of Standards, the Geological Survey, the Ordnance Department, and so forth. The national academy urges that no

hasty action be taken toward changing the existing conditions without careful review of all circumstances by a competent board.

It would be just as unwise to transfer the new testing machines now being constructed for the Bureau of Standards to the Bureau of Mines as it would be to transfer the testing machines and appliances of the Structural Materials Division of the United States Geological Survey in Pittsburg to the Bureau of Standards.

In submitting to Congress the report of the Advisory Board on Fuels and Structural Materials, February 9, 1909, the President said:

I asked the members of this board to advise with me and with government officers in charge of these public works as to how, in accordance with the existing law, the latter could best avoid duplication and secure the highest efficiency in the investigations of the materials to be used. * * *

In this report the advisory board stated:

In addition to the separate laboratories wisely maintained for special investigations in the ordnance bureaus of the army and navy, a number of field laboratories are maintained. * * * The existence of all these small, widely separated field laboratories in the several different branches of the government service is believed to be essential to the proper inspection of materials purchased locally at various stations in different parts of the country. The work done by these laboratories is not considered a duplication, as this term is interpreted under your instructions. * * *

These building and engineering problems to be investigated for the Government are such as to require not only that the experts in charge be familiar with these problems and with the related industries of the country, but also that the investigations in the laboratories be consistently supplemented by an examination of materials and structures in the field. The board has accordingly advised that the central laboratories for the investigation of these building and engineering problems for the Government be located, not in Washington, but at one of the large industrial centers, where those in charge may keep in touch with the varied industries of the country and with the technical experts connected with these investigations.

I reserve the balance of my time.

Mr. TAWNEY. Mr. Speaker, the gentleman from Pennsylvania has seemed puzzled to know why I referred in my remarks a few days ago on this proposition to the Pennsylvania Railroad Company, the United States Steel Corporation, and other corporations in the city of Pittsburg that are urging that the investigation of structural material be carried on in the Bureau of Mines, and then proceeds to say that he has investigated the matter and he finds that no investigation has ever been made for any of these corporations. I will inform the gentleman from Pennsylvania why I made that statement. I have on the files of the Committee on Appropriations a letter from one of the vice-presidents of the Pennsylvania Railroad Company urging that this work be done in the Bureau of Mines for the reason that the testing of large bridge members can be made there more efficiently than if made elsewhere.

But I have as many as 50 or 75 letters from structural material manufacturers not only from Pittsburg, but from different parts of the United States, referred to the Committee on Appropriations by Members of this House, one of which was referred to the committee on yesterday and received this morning. It was referred by the colleague of the gentleman from Pennsylvania [Mr. GRAHAM], a letter addressed to him by the Fort Pitt Bridge Works, of Pittsburg, Pa., and for the information of the House I will read it:

PITTSBURG, PA., June 17, 1910.

HON. WILLIAM H. GRAHAM, Esq.,
House of Representatives, Washington, D. C.

DEAR SIR: We have been advised that the appropriation of \$100,000, agreed to by the United States Senate for the testing of structural materials under the supervision of the Bureau of Mines, which mean the carrying on of this work at the testing laboratory at Pittsburg, has been opposed in conference between representatives of the Senate and House and is now referred back to the House. We would kindly ask you to use all the influence you have to secure the passage of this message, so that Pittsburg will not lose this splendid opportunity for having its own work tested in its own city. We wish to assure you that this is a matter in which everybody is interested, and Pittsburg's structural people particularly, so we trust everything will be done to have the appropriation carried through.

Thanking you in advance for anything you can do toward this end, we remain,

Yours truly,

FORT PITT BRIDGE WORKS,
THEO. A. STRAUB,
Vice-President and General Manager.

Now, Mr. Speaker, that is the kind of a propaganda that has been going on here for more than two months for the purpose of influencing the action of the two Houses of Congress respecting matters pertaining particularly to the administrative affairs of the Government.

But that is not all. There are other men who are not connected with the manufacturing establishments engaged in the production of structural materials that have interested themselves. On yesterday two of these men, without previous notice, presented themselves to the conferees on this bill for the purpose of instructing the House Members why they should

recede from their position on this proposition. One of these gentlemen until the 7th day of June was employed in the technological branch of the Geological Survey, and he is also dean of the engineering department of one of the universities of the great State of Ohio. His name is Edward Horton, jr.

He was regularly employed by the department as a consulting engineer, receiving a salary of \$10 a day when actually employed. The specific authority for his appointment was given March 1, 1909, by Secretary Garfield, and he resigned June 11, 1910, presumably that he might be entirely free to advocate the transfer of this service to the Bureau of Mines, the service in which he has been employed as a consulting engineer, notwithstanding his regular employment by the State of Ohio.

Mr. DOUGLAS. I want to correct the gentleman's misapprehension. Mr. Horton is probably the most celebrated expert on structural material there is in this country.

Mr. TAWNEY. He so informed the conferees yesterday. He admitted it. [Laughter.]

Mr. DOUGLAS. If the gentleman wants to be funny, he can be funny, but if he wants to yield to me, let him yield.

Mr. TAWNEY. I yield.

Mr. DOUGLAS. Professor Horton was never in the employ, in any way whatever, except incidentally occasionally, as the gentleman has stated, as a consulting engineer of the officers of the technological branch of the Geological Survey, for which service he charged \$10 a day. He resigned to become connected with the United Clay Workers of the Clay Industry of America, a position he holds with great honor to-day. [Applause.]

Mr. TAWNEY. Mr. Speaker, there is another interest that has been lobbying in favor of placing the testing of structural material in the Bureau of Mines. The United States has a contract with the Atlas Cement people for furnishing the cement for the construction of the locks in the Panama Canal, a contract aggregating in the neighborhood of \$5,000,000. Their cement is tested by the representatives of the technological branch of the Geological Survey. It is significant that one of their chief engineers has been hanging around the corridors of this Capitol for the last month urging upon Members of the House the transfer or continuance of the testing of this material in the Bureau of Mines by the representatives of the technological branch of the Geological Survey. What interest have they in the transfer of this work from one bureau to another? Why should the Atlas Cement people send their chief engineer down here for the purpose of advising Congress and Congressmen why this work should be transferred to the Bureau of Mines and thereby kept under the control and jurisdiction of the men now engaged in testing their product which is to be sold to the Government for the purpose of constructing the locks in the Panama Canal?

Mr. DOUGLAS. Will the gentleman yield until I can tell him?

Mr. TAWNEY. I yield to the gentleman from Ohio.

Mr. DOUGLAS. The reason is simply that the technologic branch of the Geological Survey has for nearly a year been testing about 6,000 barrels of cement a day for the Isthmian Canal Commission, a large part of it manufactured by the Atlas Cement Works, as I am informed. Now, instead of sending the materials to be tested at Pittsburg by men of the technologic branch of the Geological Survey, for the convenience of all concerned they send men to do the testing right on the ground. This is not only for the convenience of the Atlas people, but for the Isthmian Canal Commission. If the gentleman can find anything to criticize about it I would be glad to hear it.

Mr. TAWNEY. Is there any reason why the Atlas Cement people should dictate to the Congress of the United States as to what particular bureau should test their material?

Mr. DOUGLAS. They do not dictate; they simply advise or appeal for what they deem best.

Mr. TAWNEY. They are attempting to do so when they send their representatives here and those representatives hang around the corridors of the Capitol importuning Members of Congress to not change the present programme in respect to the testing of their material. That material must be tested, and the Government has provided an equipment for these tests, and they can be carried on under the jurisdiction of the Bureau of Standards just as efficiently as under the technologic branch of the Geological Survey or the Bureau of Mines. There is no question about that whatever. And, in my judgment, it could be carried on just as efficiently, or more so. It seems singular, Mr. Speaker, that Members of Congress when called upon to act in respect to an administrative matter, when it can not affect outside interests under the provisions of this law, are not left free to exercise their own judgment in respect to the proper

administrative provisions which should be incorporated in law.

And I trust, Mr. Speaker, that the motion of the gentleman from Pennsylvania will not prevail.

Mr. DOUGLAS. Will the gentleman yield to me?

Mr. TAWNEY. I reserve the balance of my time. I yield five minutes to the gentleman from New Jersey [Mr. WILEY].

Mr. WILEY. Mr. Speaker, I do not want the House to be misled in their decision in this matter in one particular item. The whole question is as to which bureau will make the tests in a most satisfactory manner. I claim that the Bureau of Standards will certainly do so; and, more than that, that no test that is made of any material by the Bureau of Standards will be open to the slightest suspicion of not being fairly and impartially made.

Mr. TAWNEY. May I ask the gentleman from New Jersey [Mr. WILEY] a question?

Mr. WILEY. Yes.

Mr. TAWNEY. Is the gentleman from New Jersey a practical engineer?

Mr. WILEY. I have been. I am now a Member of Congress. The great aim, as I stated the other day, of engineers is to establish standards. The American Society of Mechanical Engineers, of which I am a member, spent ten years with the best committee that it could get to establish a standard method of testing boilers. The American Society of Civil Engineers, of which I am also a member, spent many years in obtaining the standard shapes for rails and in deciding on the proper chemical constituents, such as amount of phosphorous permissible. So it has gone. All engineers want standards, and that is what the Bureau of Standards will give them.

The Bureau of Mines was created for the purpose of preventing mine accidents, seeing that the air is proper, and seeing that the water was out, and that the mines are properly shored up, fire damp prevented, and precautions against explosions taken, and other similar precautions, and they will be kept absolutely busy with these, and the House should not put on them anything else. The Bureau of Mines was not designed to test materials. That should be no part of its functions.

As the gentleman from Minnesota said very well, the tests made by the Bureau of Standards can just as well be made at Pittsburg as in the city of Washington. They are now made there, although the Geological Survey is in Washington, and I believe, if this motion prevails and the House insists on its position, that they will still be conducted at Pittsburg, which, I hope, will remove the gentleman from Pennsylvania from the anxious seat. [Applause.]

Mr. DALZELL. How much time have I remaining, Mr. Speaker?

The SPEAKER. Ten minutes.

Mr. DALZELL. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, the House has thrashed out this matter so often and so many times in the last five years that I hesitate to say anything further. I do not think there is a man in this House who does not agree to the proposition that some bureau of the Government ought to have the power to test structural material and protect the Government in its contracts in the work we are doing at Panama and other places.

We must have some scientific bureau to test materials and see that we get a square deal. Nobody can deny that. Now, if we are going to have a bureau in charge of this matter and test structural material, which bureau ought to have it? Now, that is all there is in this proposition. There is a contest between the Bureau of Standards and the Bureau of Mines to do this work.

I agree fully with the proposition that both of them should not do it. I am thoroughly opposed to duplication of this kind of work or any other kind of work in the Government. But if you are not going to duplicate, and you are going to give it to one of these bureaus in this appropriation bill and not to the other, where ought you to give it? You ought to follow the law. You made the law yourselves. You made the law within six weeks in which you said that the testing of structural materials should be in the Bureau of Mines. There is no man on the floor of this House can deny that fact. Now, why should you give the testing of structural materials to a bureau that you have got to give it to under a construction of the law, and a doubtful construction of the law, when within six weeks you have proclaimed by an act of Congress, a law of the land, that the testing of structural materials should be in the Bureau of Mines? That is all that is in it.

Mr. GOULDEN. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Yes.

Mr. GOULDEN. Did not the House place it in the Bureau of Standards when they voted down this report and sent it back to the Senate the other day?

Mr. UNDERWOOD. The other day; yes.

Mr. GOULDEN. Is not that bureau better equipped?

Mr. UNDERWOOD. Not at all. I do not agree with the gentleman about the equipment.

Mr. GOULDEN. Why not?

Mr. UNDERWOOD. Because the other bureau has the law that you passed and voted for within six weeks, and took a million dollars' worth of machinery that had been purchased by the Government for the use of the Geological Survey in the testing of structural materials and turned it over to the Bureau of Mines. That bureau has it to-day, and it will take a new law before you can give it to the Bureau of Standards. That bureau has not the machinery and it is not equipped to test structural materials, and can not get it.

Mr. SHERLEY. Does not the gentleman know that the most modern and powerful machinery for testing structural materials is now at the Bureau of Standards?

Mr. UNDERWOOD. That is an entirely different class of test than that of testing structural materials.

Mr. SHERLEY. And will the gentleman not admit that we passed through this Congress a bill creating the Bureau of Mines, not for the purpose of doing all of this other class of work, but for protecting the lives of miners and the investigations of mine accidents, and never had any other purpose until this thing came up?

Mr. UNDERWOOD. Well, now, the gentleman was not here.

Mr. SHERLEY. I was here.

Mr. UNDERWOOD. Well, I take that back. But the gentleman did not hear. The gentleman from Minnesota made a vigorous fight on the floor of this House against putting the testing of structural materials with that bureau.

Mr. SHERLEY. I do not say that that is not the fact; but everybody knows that the controlling motive that created that bureau was the desire to investigate mine accidents.

Mr. UNDERWOOD. I do not deny that.

Mr. SHERLEY. And now it is reaching out for everything.

Mr. UNDERWOOD. I do not deny that either; but I say it is the law, and you should spend this appropriation where the law sends it.

Mr. BURKE of Pennsylvania. Mr. Speaker, part of the statement of the gentleman from Minnesota in reference to the laboratories at Pittsburg is in one sense just and fair and in another sense not. It is asserted that the people of Pittsburg are lobbying for the retention of this laboratory at Pittsburg. What we are asking is that the law now in existence be enforced. The people of Pittsburg have a perfect right to ask and to expect that the laws enacted by the American Congress shall be recognized as binding. This House enacted a statute at this session indicating its desire and intention to have the testing laboratory work continue at Pittsburg and transferred the equipment of that branch of the Government at the city of Pittsburg, heretofore used by the Geological Survey, to the newly created Bureau of Mines.

Language was never more specific than was contained in that law. I represent the district in the heart of which this laboratory is located, and in the heart of the district in which the offices of the United States Steel Corporation and many of the offices of the Pennsylvania Railroad and this Fort Pitt Bridge Company, which has been referred to, are located, and I have never known a single officer of any of these companies to ask that any improper influence be used in behalf of this measure or that any influence be used in behalf of that laboratory for the special benefit of any of the corporations or industries to which the gentleman from Minnesota [Mr. TAWNEY] has referred.

No one has questioned the adequacy of the plant at Pittsburg. No one has questioned the efficiency of the staff in charge of the work. No one has questioned the character of the work itself since the laboratory was established by the Department of the Interior. If I believed that there was a lobby animated by improper motives engaged in promoting the passage of this act, I would repudiate them and vote against the proposition. If I felt that the Geological Survey and the men employed by it had not done their work well in the past, I would join in the impeachment of them by the gentleman from Minnesota, who did so in calling into question the integrity of the work that has been so well performed by them in the past. The language of the Bureau of Mines act provides that this work heretofore done by the Geological Survey "shall cease and determine." That is the language, and there can be no question about it, notwithstanding the impression conveyed by the recent interrogation put by the gentleman from Kentucky [Mr. SHERLEY].

No one intended that the work should "cease and determine" forever, but we provided, in addition in the same paragraph and at the same time, that when it ceased and determined in the Geological Survey, it was thereby and thenceforth transferred to the Bureau of Mines, and there it is to-day by the act of both branches of the Federal Government and by the ratification of the President's signature. As that act is now in force, why should we take it out and transfer it to the Bureau of Standards—a bureau that never in its history did or even undertook to do the work that the gentleman from Minnesota would transfer to it? [Applause.]

Mr. TAWNEY. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. KELIHER].

Mr. KELIHER. Mr. Speaker, upon three or four different occasions the House, after long, intelligent, and interesting discussion, decided, so far as the testing of structural materials was concerned, to let well enough alone. Nobody contends that this work is not being done scientifically, economically, and satisfactorily. The only sentiment for a change is artificial, created by those most vitally interested.

There is an old saying and a true one, "Let well enough alone." Its philosophy always appealed to me and does to-day. I am generally suspicious when a demand for a change from established and satisfactory conditions is made by an element that has certain material interests to further.

I voted for the new Bureau of Mines, and I did so with satisfaction because I was told that the salient duty of that new bureau would be to investigate conditions in the mines, chiefly, if not solely, for the purpose of providing safeguards for the protection of life and limb. I know something of the Bureau of Standards, and I know something of its work. We have provided a \$175,000 building and most expensive equipment, having in view its caring for this important work which rightly belongs to it and against its doing it no demand would be made to-day unless a propaganda, organized for a purpose that I do not think would bear the test of keen investigation, agitates for this proposed change. I trust that the House will stand by its former action upon this matter. If we were right before, we are right now and should be right in the vote we are about to cast. We have emphatically declared that the Bureau of Standards should exercise these duties, and it behooves us, in the interest of consistency as well as good policy, to do so again. Mr. Speaker, for these reasons I trust the House will sustain the conferees by insisting that the established Bureau of Standards, rather than the unorganized Bureau of Mines, shall do this work. [Applause.]

Mr. DOUGLAS. Will the gentleman from Minnesota yield to me?

Mr. TAWNEY. I promised to yield to the gentleman for a question.

Mr. DOUGLAS. Has the gentleman any time to yield to me?

Mr. TAWNEY. I have no time. I yield three minutes to the gentleman from Kentucky [Mr. SHERLEY], a member of the committee.

Mr. SHERLEY. Mr. Speaker, this question really comes down to a very narrow point, and that is whether you are going to confine the Bureau of Mines that has recently been created to the legitimate functions for which it was created, or whether you are going to enable it to enlarge itself outside of the original scope intended. There is now an appropriation, agreed to by both the House and Senate, giving to the Bureau of Mines all the funds that it needs for all work necessary in regard to the investigation of mines, of mine disasters, or the subject of mining generally. Now, what they are asking for is not an appropriation to give to the Bureau of Mines power to perform its proper functions, but to give to it the right to go outside of its proper functions into the investigation of matters that have no proper and direct relation to the subject of mining or the mining industry.

Mr. DALZELL. I think the gentleman is mistaken about that.

Mr. SHERLEY. I do not think I am mistaken. I think the existing bill carries an appropriation amply sufficient for that purpose. Now, here was a matter that was diligently investigated by the Committee on Appropriations, investigated without any bias whatever. Every member of that committee united in this position, and what you are asked now is practically on account of the zeal and the agitation of men directly connected with this bureau, or men who happen to have their districts in the same part of America where the bureau is, to disregard the action of the committee.

It is simply the desire of the department to increase its activity; and if there has been one thing more than anything else that has added to the extreme and unjustifiable expenditure of the American Government, it has been the constant growth

of the departments outside of the legitimate functions for which they were created, a growth that goes on week after week and month after month, practically without end, and grows until to-day you have got duplication of work in many departments, and you have a budget that staggers the imagination of men. This fight is simply the result of the desire of men to be at the head of a big institution, and this House ought to see to it that while they are given what they need legitimately for their proper work they are not permitted to control their jurisdiction and scopes.

Mr. TAWNEY. I now yield five minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I am amazed that the ordinarily law-abiding members of the Committee on Appropriations should be engaged in an effort to persuade the Members of the House to ignore the plain provisions of the law and take from the Bureau of Mines the duty and responsibility of carrying on the work of investigating the structural materials of the country. When the Bureau of Mines was created the work of investigating and testing this class of material, which had up to that time been carried on by the Geological Survey, together with the material, plant, and personnel used and employed in the work, was transferred to the Bureau of Mines. Now the committee proposes to divert that work to the Bureau of Standards, which already has quite enough to do to attend to the work for which it was established, to wit, the class of scientific testing necessary for the establishing of standards.

Mr. Speaker, the Bureau of Standards has no field force, and never ought to have a field force. It is a scientific bureau up there among the hills, far removed from the railroad tracks, carrying on scientific testing and standardizing. It ought to continue its work of testing and standardizing, and the ordinary mechanical and commercial tests should be carried on as they have been carried on for years, with the machinery that Congress provided first for the Geological Survey and later on transferred to the Bureau of Mines. This bureau has a field force. It can make investigation on the public domain, and it can do this mechanical and commercial testing. It has the railroad tracks at its doors, where this material can be received and dispatched. It is the height of folly to talk about taking over here to the Bureau of Standards, in the woods on the other side of Rock Creek, thousands of tons of samples that are to be tested mechanically and commercially. The work belongs where Congress placed it, with the Bureau of Mines. It ought to remain there, and I am amazed that this ordinarily law-abiding committee calls upon Congress now to turn its back upon its own recent action and violate the law by bodily transferring the work from the bureau in which it has been placed by Congress by the simple but, I admit, effective process of diverting the appropriation.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this seems to be a very simple proposition. The more it is discussed the more apparent our duty appears. What are the facts? We have a Bureau of Standards, and everybody knows that it is an excellent bureau, well equipped, honestly conducted by intelligent and experienced men, and does the best and most efficient work of any similar bureau in all the world. This being conceded, I ask: Why abandon it? Why experiment with a new bureau? Why cripple it? Why take away any of its powers? The answers to these questions are as feeble as they are subtle. No one can be misled in the matter.

Now, another important consideration. All the Bureau of Standards wants is \$50,000 to do its work for the next fiscal year. If we make a change to the Bureau of Mines we must appropriate \$100,000 simply to equip it to do the same work. Why squander \$50,000 or \$100,000 of the taxpayers' money? It certainly is not necessary to do it. Why not let well enough alone? Why begin to discriminate and to experiment? Where will it all end?

I can not understand why a few Members here are pleading to take away from the Bureau of Standards all of its rights and powers and equipment and want to put them in the Bureau of Mines. It does not look right to me. The Bureau of Mines was not established to be a bureau of standards. It should not do that work. We created the Bureau of Mines for the purpose of looking after the mines and the welfare of the men who work in the mines. I voted for the bill for the Bureau of Mines. I was glad to see that bureau created, and I know what that bureau was intended to do and to accomplish; and I want to see the Bureau of Mines do its work and not trespass and not infringe upon the Bureau of Standards and its work. I am a friend of the Bureau of Standards. It has been created for years and has the confidence of every engineer in the United

States. Its great work speaks for itself and has met the approval of the most critical. Its reputation can not be successfully assailed. Why not leave it alone when it is wise and economical to do so? Why abandon it? That is the question before us, and I am with the committee of the House on the proposition and hope its contention in favor of the Bureau of Standards will be sustained by a decisive vote.

The SPEAKER. The time of the gentleman from New York has expired.

[Mr. BORLAND addressed the House. See Appendix.]

Mr. DALZELL. Mr. Speaker, I believe I have four minutes remaining.

The SPEAKER. The gentleman has four minutes remaining.

Mr. DALZELL. I yield to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker and gentlemen, the gentleman from Massachusetts [Mr. KELIHER], the gentleman from Kentucky [Mr. SHERLEY], and the gentleman who has just taken his seat fall into a common error. We are not trying to take anything from the Bureau of Standards. They never had this work. They have not been equipped to do it as the Geological Survey has been. I will say with the gentleman from Massachusetts that we had better "let well enough alone." The Geological Survey has been doing the work. It is proposed to take it away from them absolutely, in violation of the law passed by Congress six weeks ago, a law which this Congress made, and which declared that after July 1 this work shall be done in the Bureau of Mines.

Now, then, concerning the charge of the gentleman from Minnesota that there is a lobby back of this thing, I want to say this: That when this vote was taken the other day one of the most prominent Members of this House, a resident of the same city as one of the chiefs of a department of the present Government, came to me and said he had been called into the corridor by a chief of one of the departments and appealed to to vote for the Bureau of Standards on this proposition as against his own convictions.

That is part of the same propaganda, and I defy the gentleman from Minnesota to show that an officer of this Government from the Interior Department has lobbied about the corridors of this House as the head of the Bureau of Standards has done, and his chief called out men and appealed to them to vote to put this work, not where it is, but take it away from the place that the law puts it and put it somewhere else.

Now, I want to read a line from the testimony of the head of the Bureau of Standards before the Appropriations Committee when he was examined by his own counsel and Fidus Achates, the gentleman from Minnesota, in reference to this matter. He goes on to say he declared he was not equipped to do this work, and it interfered with the legitimate work of his bureau. This is what he said, on page 177 of the hearings:

Mr. STRATTON. There is another side: A large part of our force for the last two years has been given up to routine testing of all kinds. Nothing would cause the institution to deteriorate more quickly than to flood it with routine testing. It must do a certain amount of original investigation to develop standards and methods of measuring, or it will soon become a second-rate institution.

That is exactly the commercial routine testing that is being done by the technological branch of the Geological Survey, the same work now under consideration—that is, the testing of coal, structural material, cement, stone, and things of that sort. The work that has been done in the field is commercial, and where it in no way interferes with the Bureau of Standards.

Mr. TAWNEY. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has fourteen minutes.

Mr. TAWNEY. I yield five of that to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, when this bill was pending before the House an amendment was offered to have this structural-material work done in the Bureau of Mines. I was then in the chair, and held the amendment in order. The matter was discussed in the House. A vote was taken, and the proposition was defeated.

Now, the House is peculiarly the body intrusted under the Constitution and by the people with the appropriation of money and with the determination as to which one of the departments of the Government shall have the money to use.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. MANN. If it is a short question, I will. I do not want to be distracted from my statement.

Mr. UNDERWOOD. The gentleman says the House is the body to determine. The House determines where the money should go and enacted it into law.

Mr. MANN. If the gentleman will listen and hear what I say, he is perfectly competent to understand what I say, and will not ask such a foolish question. I was saying that the House was the peculiar body, under the Constitution, to determine the investigation of appropriations. This House, in my judgment, has that prerogative. It is the House that originates the appropriation bills; it is the House that discusses appropriation bills. They are not discussed at the other end of the Capitol; they are passed without consideration or discussion, as a rule. We considered this proposition. The House having considered that proposition and defeated it, the matter went to the Senate. It came back and went to conference. Again the question was presented to the House, and again the House determined to leave this matter with the Bureau of Standards and not with the Bureau of Mines and Mining. I am not in favor of wiping the House off the map. [Loud applause.] I believe in upholding the dignity of the House. We have determined this question twice. Are we to back down because some one Senator thinks differently, in a body where they do things practically only by unanimous consent? Are we to change our minds, not because of reasons advanced, because there have been no reasons advanced, but because the Senate persistently thinks differently?

Are we to obey the orders of the Senate, or are we to stand where we stood, the body peculiarly appropriate to determine this matter, and have our way? If we do so in this matter, as I said before, the Senate will do what it is compelled to do under the parliamentary practice between the Houses—the Senate will yield. I do not undertake to say at this date whether the work ought to be done in one bureau or the other; doubtless either one will do it well and properly. But I am in favor of letting the other end of the Capitol know that the House of Representatives still exists. [Loud applause.]

Mr. TAWNEY. I move the previous question on the motion of the gentleman from Pennsylvania.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is: Will the House recede from its disagreement and concur in the Senate amendment?

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. DALZELL. Division!

The House divided; and there were—yeas 82, yeas 131.

Mr. DALZELL. Tellers, Mr. Speaker.

Pending the demand for tellers.

Mr. DOUGLAS and Mr. DALZELL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 170, answered "present" 14, not voting 96, as follows:

YEAS—109.

Adair	Dixon, Ind.	Howland	Pray
Adamson	Douglas	Hubbard, W. Va.	Randell, Tex.
Aiken	Draper	Kendall	Reynolds
Alexander, N. Y.	Driscoll, M. E.	Kinkaid, Nebr.	Richardson
Barchfeld	Englebright	Knowland	Rothermel
Barclay	Fassett	Korbly	Rucker, Colo.
Bartholdt	Finley	Lamb	Sheffield
Bartlett, Nev.	Fish	Langham	Sheppard
Bates	Floyd, Ark.	Lever	Slemp
Bingham	Focht	Longworth	Sterling
Boehne	Foulkrod	McCreary	Sturgiss
Boutell	Fuller	McDermott	Taylor, Colo.
Brantley	Gaines	Martin, Colo.	Taylor, Ohio
Burgess	Gardner, N. J.	Miller, Minn.	Tener
Burke, Pa.	Garner, Pa.	Mondell	Thomas, Ky.
Burke, S. Dak.	Gill, Mo.	Moon, Pa.	Thomas, N. C.
Byrns	Gillespie	Moon, Tenn.	Thomas, Ohio
Calderhead	Gordon	Moore, Pa.	Underwood
Cassidy	Graham, Pa.	Morgan, Mo.	Wanger
Cline	Grant	Moss	Washburn
Cole	Griest	Murphy	Webb
Cooper, Pa.	Hamer	Nicholls	Wheeler
Coudrey	Hardy	Olcott	Wilson, Pa.
Cowles	Hay	Olmsted	Wood, N. J.
Craig	Hayes	Page	Woodyard
Cullop	Heald	Palmer, A. M.	
Dalzell	Hollingsworth	Payne	
Diekema	Howell, Utah	Pratt	

NAYS—170.

Alexander, Mo.	Candler	Dent	Foster, Ill.
Ames	Carter	Denver	Foster, Vt.
Anderson	Cary	Dickinson	Gallagher
Anthony	Chapman	Dickson, Miss.	Gardner, Mass.
Austin	Clark, Mo.	Dies	Gardner, Mich.
Barnard	Cocks, N. Y.	Dodds	Garner, Tex.
Beall, Tex.	Collier	Driscoll, D. A.	Garrett
Bell, Ga.	Cooper, Wis.	Dwight	Gillett
Booher	Cox, Ind.	Edwards, Ga.	Goebel
Borland	Creager	Ellerbe	Good
Bowers	Crow	Ellis	Goulden
Bradley	Crumpacker	Esch	Graf
Burleson	Currier	Ferris	Graham, Ill.
Burnett	Davidson	Fordney	Greene
Calder	Davis	Foss, Ill.	Guernsey
Campbell	Denby	Foss, Mass.	Hamilton

Hamlin	Knapp	Moore, Tex.	Sims
Hammond	Kopp	Morgan, Okla.	Sisson
Hardwick	Kronmiller	Murdoch	Smith, Iowa
Haugen	Küstermann	Needham	Smith, Mich.
Havens	Latta	Nelson	Smith, Tex.
Heflin	Law	Nye	Spight
Helm	Lawrence	O'Connell	Stafford
Henry, Conn.	Lenroot	Oldfield	Steenerson
Henry, Tex.	Loud	Parker	Stephens, Tex.
Higgins	Loudenslager	Parsons	Stevens, Minn.
Hinshaw	Lowden	Patterson	Sulloway
Hitchcock	Lundin	Pickett	Sulzer
Houston	McCall	Plumley	Talbot
Howard	McCredie	Poindexter	Tawney
Howell, N. J.	McKinley, Ill.	Prince	Taylor, Ala.
Hubbard, Iowa	McKinney	Rainey	Thistlewood
Hughes, Ga.	McLachlan, Cal.	Rauch	Tilson
Hughes, N. J.	McLaughlin, Mich.	Roberts	Tou Velle
Hull, Iowa	Macon	Roddenbery	Turnbull
Hull, Tenn.	Madden	Rucker, Mo.	Volstead
James	Madison	Sabath	Watkins
Johnson, Ky.	Maguire, Nebr.	Saunders	Weeks
Johnson, Ohio	Malby	Scott	Wickliffe
Jones	Maynard	Sharp	Wiley
Kelher	Mays	Sherley	Woods, Iowa
Kennedy, Iowa	Millington	Sherwood	
Kinhead, N. J.		Simmons	

ANSWERED "PRESENT"—14.

Bartlett, Ga.	Humphrey, Wash.	Lee	Tirrell
Clark, Fla.	Keifer	Morrison	Young, N. Y.
Elvins	Kennedy, Ohio	Padgett	
Hobson	Lafean	Robinson	

NOT VOTING—96.

Allen	Estopinal	Joyce	Pujo
Andrus	Fairchild	Kahn	Ransdell, La.
Ansberry	Fitzgerald	Kitchin	Reeder
Ashbrook	Flood, Va.	Langley	Reld
Barnhart	Foelker	Legare	Rhinock
Bennet, N. Y.	Fornes	Lindbergh	Riordan
Bennett, Ky.	Fowler	Lindsay	Rodenberg
Broussard	Gill, Md.	Livingston	Shackelford
Brownlow	Gilmore	Lloyd	Shayden
Burleigh	Glass	McGuire, Okla.	Small
Butler	Godwin	McHenry	Smith, Cal.
Byrd	Goldfogle	McKinlay, Cal.	Snapp
Cantrill	Gregg	McMorrin	Southwick
Capron	Gronna	Martin, S. Dak.	Sparkman
Carlin	Hamill	Miller, Kans.	Sperry
Clayton	Hanna	Morehead	Stanley
Conry	Harrison	Morse	Swasey
Cook	Hawley	Moxley	Townsend
Covington	Hill	Mudd	Vreeland
Cox, Ohio	Huff	Norris	Wallace
Cravens	Hughes, W. Va.	Palmer, H. W.	Welise
Dawson	Humphreys, Miss.	Pearre	Willett
Durey	Jamieson	Peters	Wilson, Ill.
Edwards, Ky.	Johnson, S. C.	Pou	Young, Mich.

So the motion was rejected.

The Clerk announced the following additional pairs:

For the remainder of this session:

Mr. McMorran with Mr. Pujo.

Until further notice:

Mr. Wilson of Illinois with Mr. Flood.

Mr. Brownlow with Mr. Cox of Ohio.

Mr. Southwick with Mr. Ransdell of Louisiana.

Mr. Smith of California with Mr. Stanley.

Mr. Elvins with Mr. Foss of Massachusetts.

Mr. Foelker with Mr. Carlin.

Mr. Reeder with Mr. Lloyd.

Mr. Martin of South Dakota with Mr. Peters.

Mr. McKinlay of California with Mr. Johnson of South Carolina.

Mr. Edwards of Kentucky with Mr. Goldfogle.

Mr. Joyce with Mr. Godwin.

Mr. Hill with Mr. Glass.

Mr. Hawley with Mr. Covington.

Mr. Durey with Mr. Clayton.

Mr. Bennet of New York with Mr. Hamill.

Mr. Miller of Kansas with Mr. Harrison.

On this vote:

Mr. Rodenberg with Mr. Pou.

Mr. Humphrey of Washington with Mr. Morrison.

Mr. Huff with Mr. Robinson.

For the remainder of the day:

Mr. Keifer with Mr. Livingston.

Mr. Douglas. Mr. Speaker, I am paired with the gentleman from Ohio [Mr. Ansberry], but by special arrangement with him I am to vote as he would have voted on this bill.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the motion of the gentleman from Minnesota that the House do further insist on its disagreement to Senate amendment No. 63.

The motion was agreed to.

Mr. Tawney. Mr. Speaker, on amendment No. 76 I move that the House recede and concur.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 128, line 14, after the word "commerce," strike out all down to and including the word "unlawful," in line 20, the matter proposed to be stricken out being as follows:

"Provided further, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful."

The SPEAKER. The gentleman from Minnesota moves that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. TAWNEY. I yield to the gentleman for a question.

Mr. HUGHES of New Jersey. I want to know whether the gentleman will have any objection to letting me have some time upon this.

Mr. TAWNEY. I do not intend to consume a great deal of time.

Mr. HUGHES of New Jersey. I do not intend to consume very much time.

Mr. TAWNEY. Will fifteen minutes be sufficient?

Mr. HUGHES of New Jersey. That will be ample for me.

Mr. TAWNEY. When I conclude my remarks I will yield to the gentleman from New Jersey fifteen minutes.

The SPEAKER. The gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, section 3 of the act entitled "An act to protect trade and commerce from any unlawful act," approved July 2, 1890, reads as follows:

Sec. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

For the purpose of enabling the Government of the United States to enforce this provision during the fiscal year 1911, the Committee on Appropriations reported to the House the following in the sundry civil appropriation bill:

Enforcement of antitrust laws and acts to regulate commerce: That the balance of the appropriation entitled "Enforcement of antitrust laws, 1910," shall be available during the fiscal year 1911, and an additional appropriation of \$100,000 is hereby made for the same purposes and for the enforcement of acts to regulate commerce.

When that provision was under consideration in the House, there were only about 50 Members on this side of the House present, and the gentleman from New Jersey [Mr. HUGHES] offered the following amendment in the nature of a limitation upon that appropriation:

Provided further, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful.

That amendment was agreed to by a vote of 71 in the affirmative to 52 in the negative, which shows the membership present at the time this important question was under consideration. The bill passed the House thus amended. It went to the Senate, and the Senate amended the provision by striking out the proviso or the limitation upon the expenditure of the \$100,000 proposed by the House, which amount was intended to enable the Government to enforce the criminal provisions of the Sherman antitrust law, which I have just read.

The question now before the House is whether or not we will recede and concur in the action of the Senate, or whether we will further insist on the amendment thus inserted in the bill by the House, for the benefit of a certain class that may be charged with having violated the criminal laws of the United States.

In my judgment, Mr. Speaker, we owe it to ourselves, we owe it to the country, we owe it to the administration, and to the enforcement of the criminal laws of the United States to recede and concur in the amendment of the Senate striking out this provision. [Applause.]

The effect of the amendment presented by the gentleman from New Jersey and adopted in the Committee of the Whole, if it has any effect at all, or I might better say, the intended effect of this amendment is to exempt a certain class of our citizens from prosecution for the violation of the criminal statutes of the United States in relation to unlawful combinations. This is therefore class legislation of the most pernicious and the most vicious character. It proposes to exempt those who belong to organizations formed for the purpose of increasing wages from the effects of an unlawful conspiracy formed for that purpose.

This amendment does prevent the expenditure of any or all of this appropriation in the prosecution of farmers organized for the purpose of increasing the price of farm products from criminal prosecution under this statute. It does not exempt any other organization in this country that may be formed in restraint of trade or for the purpose of conspiring against the commerce of the United States. It permits the activities of the Government in the prosecution of every organization or combination formed in restraint of trade except labor organizations. The combination formed for the purpose of increasing wages or bettering the condition of labor violating this statute, in carrying out the purpose of the combination, could not be prosecuted by the Government of the United States because there would be no money available. It does not affect the right of any individual citizen not a member of a labor organization. This amendment does not affect any corporation that may combine unlawfully with another corporation for the purpose of restraining trade or commerce.

The individual or corporation that may be damaged by the conspiracy or the combination referred to in the amendment of the gentleman from New Jersey would have the right to go into court notwithstanding this amendment and enforce the Sherman antitrust law—enforce the penalties of this statute—against any labor organization. The only effect of this amendment is to tie the hands of the Government of the United States in the enforcement of its own criminal statutes. I submit, Mr. Speaker, that this amendment is class legislation of the rankest kind; that it involves one of the most important fundamental principles of government, that of equality under the law and the universal application of law, and especially the universal application of the criminal law of our land. Before I would vote to surrender a principle so vital to the very existence of government as this principle is I would willingly surrender my seat upon the floor of the House of Representatives. [Applause on the Republican side.]

That principle, Mr. Speaker, is far more vital to the laboring men of our country than it is to the rich corporations or the unlawful combinations. Laws are enacted for all and for the protection of all; for the protection of the poor as well as for the protection of the rich. When we once commence to discriminate in the enactment of law between classes or between citizens of our country, or when, in the application of the criminal laws of the United States, we commence granting immunity from prosecution to one class of our citizens simply because they happen to belong to a certain organization, we have instituted a policy that will some day shake the very foundations of our Government, if it does not entirely destroy the Government itself. [Applause on the Republican side.]

I trust and hope, Mr. Speaker, that this motion to recede from our disagreement to the Senate amendment and agree to the amendment striking out this provision which is intended to give immunity to a certain class of people in this country from the penalties of the criminal laws of the United States will prevail.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. TAWNEY. Yes, sir.

Mr. BARTLETT of Georgia. Did not the gentleman on the 2d day of June, 1910, when the House had under consideration an amendment to the antitrust law, vote for an amendment to that antitrust law embracing virtually the same provision?

Mr. TAWNEY. I do not know that I did or that I did not.

Mr. BARTLETT of Georgia. The RECORD shows that all but eight Members of the House voted on roll call for it, and that the gentleman was not one of the eight.

Mr. TAWNEY. Mr. Speaker, that only suggests what I intended to refer to, but forgot to do so.

This is not a proposition to amend an existing law, and the gentleman from Georgia [Mr. BARTLETT], who has, I think, as high a respect for the enforcement of law as long as it remains on the statute books as any man on the floor of this House, will agree with me that until that law is amended, and until these labor combinations are expressly exempted from its operation by an amendment to the existing law, the existing law should be enforced. And that is all I am contending for here and now. I protest against the Congress of the United States tying the hands of the Government in the enforcement of an existing criminal statute by withholding from that department of the Government charged with the duty of enforcing the law the money necessary for this purpose. Therefore I hope the motion will be agreed to.

I now yield fifteen minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Speaker, I am glad that somebody at last has had the courage to state his objection to

this legislation on the floor. While there has not been very much said on the floor of this House with reference to it except by myself, a great deal has been said in the corridors and the cloakrooms of this Chamber, and a great deal of reference made to the motives that are impelling me in this matter.

I will take a few minutes of the time allotted to me to say this to the House—because as a Member of the House, a man who is proud of his membership in it, I have some regard for the standing I occupy in the minds of my fellow-Members—that it is my firm belief that my action in this matter will not help me to the extent of a single vote to return here. Such of the people of my district who will be affected by this legislation and who would be likely to vote for me because of my attitude in this matter have voted for me time and time again. [Applause on the Democratic side.]

The charge of demagoguery is easily made and exceedingly difficult to meet, but in my experience in this House I have arrived at a definition of it, and it is this: In the ordinary acceptance of the term a demagogue is a man who tries to do after the election that which he promised to try to do before the election [Applause.] And there are many Members on the other side of this House who I am glad at this moment to acquit of the charge of demagoguery. The gentleman from Minnesota has stated the preliminary steps in this whole transaction with much more lucidity and clearness than I can, and I will take it up from where he left off. A great deal has been said to me privately by Members upon the floor of this House as to the iniquities of class legislation. And it has seemed very strange and very odd, indeed, that the objection to class legislation should originate upon the Republican side of this House.

I have always understood that the Republican party's most important legislation is based upon the desire to benefit a class. Is not the argument made more often than any other upon the floor of the House in favor of a protective tariff that the men who will benefit from the provisions of it will in turn hand down a part of the greater profits that they thus acquire to the men who are working for them? Is not that argument made in the House in every tariff speech made here upon that side? Assuming that you are absolutely honest and sincere in that argument, and assuming that this trustee to whom you give the people's money will carry out the declarations of the trust, and that he will honestly share up with the men who are employed by him a portion of the increased profits that he gets, your argument sounds well; but suppose he will not. Then, what remedy has the man who has produced this wealth, increased by legislation which you have enacted? What chance has he to get that share of the increased profit which you have promised him unless he can avail himself of the only remedy he has had from time immemorial—the strike?

Yet, here is a simple proposition which says to the organized and unorganized laboring men of this country, that they are not to be subjected to the intensified prosecutions necessarily following upon the use of a fund of \$200,000 or \$250,000 put in the hands of the officers of the law, who have had that fund put at their disposal to prosecute violators of the Sherman antitrust law. For fear that thing might be done, I offered my amendment. I do not know how the gentlemen on the other side of the House feel about it, or some of those gentlemen, but I feel, and I have always felt, that the Congress and the House of Representatives has never given up its right to construe legislation, and that we are well within our rights when we say to the officers of the law, "You may use this money for certain purposes; you may expend it for this purpose, but you can not expend it for this other purpose."

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

Mr. HUGHES of New Jersey. Yes.

Mr. GOEBEL. The object of this appropriation is to prosecute violators of the antitrust law. Your amendment is to limit that appropriation whenever it appears that there was no violation of the antitrust law. If it is only when there is no violation of the antitrust law, how can there be an expenditure of the money?

Mr. HUGHES of New Jersey. Then why object to this amendment if it has no force and effect? Why is there any objection to it? [Applause.] And why have the Members of this body been besieged with letters and telegrams sent out by the Manufacturers' Association of this country, imploring and begging and threatening Members with dire consequences if they do not strike this amendment down?

Mr. GOEBEL. Let us confine ourselves to the question before the House.

Mr. HUGHES of New Jersey. I decline to yield until I have finished my statement on this matter of class legislation and demagoguery in general. I want to call your attention to a special message sent by the President of the United States to this

House on March 25, 1908, upon this very subject. The President said:

In addition to the reasons I have already urged on your attention, it has now become important that there should be an amendment of the antitrust law, because of the uncertainty as to how this law affects combinations among labor men and farmers, if the combination has any tendency to restrict interstate commerce. All of these combinations, if and while existing for and engaged in the promotion of innocent and proper purposes, should be recognized as legal.

Why, gentlemen, in so far as it was possible for a man to legislate by way of limitation upon an appropriation bill in this House, subject to the ordinary rules, my amendment carries out the suggestion conveyed in the message of Theodore Roosevelt when he was President of the United States. [Loud applause.]

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. HUGHES of New Jersey. Not until I have finished my statement.

The SPEAKER. The gentleman declines to yield.

Mr. HUGHES of New Jersey. A great many men, Members of this body, have said to me that they can see no difference between an organization of laboring men, organized for the purpose of making a collective bargain with their employer organizations for the purpose of protection against the machinations of the Manufacturers' Association, who do not carry out the bargains that you make with them when you permit them to tax our people through the tariff, but who use that very money for the purpose of destroying labor organizations.

A great many men, I say, claim that they can see no difference between organizations of men for the purpose of establishing decent conditions as to hours and wages and organizations formed for the purpose of monopolizing necessities of life in order to wring additional profits from the pockets of the people, but I can assure you, gentlemen, that there is a vast difference. One is an organization of men in the interests of humanity, the other is an organization of money preying upon humanity.

This proposition has to be dealt with in this country. The condition in which recent legislation and judicial construction have left the organizations of labor is such that it is my prediction that this question will be forced upon the attention of the Members of the Congress; and when they have met it and argued it and discussed it face to face with those whom it concerns, that particular form of myopia will be cured, and gentlemen will be able to see the difference between a labor organization and the Standard Oil trust. [Applause.]

Mr. AMES. Will the gentleman yield?

Mr. HUGHES of New Jersey. I would rather not at this time.

Mr. AMES. I should like to answer the gentleman's query.

Mr. HUGHES of New Jersey. The gentleman can get time from the chairman of the committee.

Mr. AMES. I should like to explain the kind of myopia that exists on the gentleman's side.

Mr. HUGHES of New Jersey. The gentleman can get some time from the gentleman from Minnesota [Mr. TAWNEY].

So far as the vote on this proposition is concerned the gentleman from Minnesota only stated the vote in the Committee of the Whole. I acquit him of any desire to mislead the House; but for fear some gentleman might not have been here at the time—and a number of them were not—I will state that on the record vote on this conference proposition there were 154 yeas to 105 nays.

Mr. TAWNEY. If the gentleman will pardon me, that was the vote on instructing the conferees not to recede.

Mr. HUGHES of New Jersey. Yes; and I will call the gentleman's attention—

Mr. TAWNEY. There has been no record vote on the main proposition.

Mr. HUGHES of New Jersey. Well, there will be.

Mr. TAWNEY. I hope there will be.

Mr. HUGHES of New Jersey. I say this to the gentleman, that so far from there not being a vote on it, the gentleman stood in his place, and another gentleman who was sitting near him said at the time that this was being discussed, that there was not a single vote in the House against it or against sending it back to conference.

Mr. TAWNEY. What is the gentleman talking about?

Mr. HUGHES of New Jersey. I am talking about the record vote on the amendment.

Mr. TAWNEY. No; you are making a statement that I said so, which I positively deny.

Mr. HUGHES of New Jersey. Does the gentleman deny saying here on the floor of the House—I think the RECORD will show it—does the gentleman deny asking me not to take the time to call the roll, but to send this proposition back to the Senate?

Mr. TAWNEY. That was the question of further insisting upon your amendment.

Mr. HUGHES of New Jersey. Further insisting upon my amendment.

Mr. TAWNEY. That there would be no vote against it.

Mr. HUGHES of New Jersey. That every vote in the House was for it.

Mr. TAWNEY. For further insisting, but not in favor of this proposition.

Mr. HUGHES of New Jersey. Further insisting upon my amendment is my proposition.

Mr. JAMES. Do they insist on something they do not want?

Mr. HUGHES of New Jersey. Mr. Speaker, I have about completed what I have to say. I have spoken three times on this proposition, and I do not think I can add anything to the information of the House; but it is a significant thing that the Republican party, the party that was built on the idea of striking the manacles from the black slaves, should seek now to put manacles on and make white slaves of the laboring men of this country. [Applause on the Democratic side.]

I reserve the remainder of my time.

The SPEAKER. The gentleman has a minute and a half.

Mr. TAWNEY. I yield to the gentleman from Kansas [Mr. MADISON].

Mr. MADISON. Mr. Speaker, it is true, as stated by the gentleman from New Jersey [Mr. HUGHES], that the Republican party was dedicated to freedom, to striking the manacles from the limbs of the slaves. It is also true that the Republican party, from its earliest inception down to the present day, has always stood for the equality of all men before the law. [Applause on the Republican side.] One of the brightest things that is blazoned upon the banner of Republicanism is "Obedience to the law." It has always stood for the principle that there is no man and no class of men and no organization of men above the law. [Applause on the Republican side.] All must respect it, and all, without exception, must obey its mandates. That flag is the symbol of protection, not only of the capitalist in the mansion, but of the wage-earner in the cottage. Each is protected impartially, and each, with the same impartiality, is included in the statutes which prohibit the commission of those acts which are denounced as unlawful or criminal. Gentlemen, I can not give my approval—my conscience will not permit me, no matter what the result may be to me—to this amendment. It is wrong, absolutely, positively, radically wrong, and ought not to be written into the statute book of this country in the closing days of this Congress. [Applause on the Republican side.] I want to call your attention to it. The mere reading of it, without any explanation on the part of anyone, ought to cause every man in this House to hesitate before casting his vote in favor of it.

Provided further, That no part of this money shall be spent in the prosecution of any organization or individual entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor.

It makes no difference what the combination is, it makes no difference what the agreement or understanding is, it makes no difference how violative it may be of the law of the land, the hand of the prosecutor is stayed by this amendment. Every man within the sound of my voice understands that some very wrong, some very unlawful and criminal acts are done ostensibly for the accomplishment of a good purpose; many crimes are committed in the name of liberty, many crimes are committed for the betterment of the condition of the workingman. No matter into what excesses workingmen may be led, no matter how far wrongful influences may lead them in the matter of combinations for the increase of wages or the betterment of the condition of labor, not a cent of this money, under the terms of this amendment, can be used by the strong arm of the Government against those who induce and bring about or enter into such wrongful combinations. Do you want to vote that into the law of this country?

My friend from California, Mr. HAYES, says read the balance of the amendment. I will. The closing phrase is the worst of all. It is, "or for any act done in furtherance thereof not in itself unlawful."

What is the purpose of that? Acts which in and of themselves are lawful are when performed in the carrying out of a conspiracy unlawful. [Applause.] What are they asking you to do, my friends, at this time? They are asking you, so far as this matter is concerned, to absolutely repeal the law of conspiracy. [Applause.] That is what it amounts to. That is what every lawyer understands that this means. It is true that in the carrying out of the secondary boycott men do things that in themselves—that is, standing alone—are not unlawful, but when done in connection with others in the pursuance of

a common aim or conspiracy are absolutely destructive in their results, destructive to business, destructive to reputation, destructive to everything connected with property or property rights, blasting in a few days the business reputation and the business it has taken years to acquire. [Applause.] And yet it is proposed to write into the law of this land this proposition which looks toward the repeal of the law of conspiracy. Do you want to do it? That is what you are asked to do, and you have got to face it. That is the explanation of this proposition.

My friend from New Jersey the other day stood before this House and said, "Why, there has been a decision rendered which makes an association of trainmen simultaneously striking for an increase of wages criminals, violators of the Sherman antitrust law." He referred to the case of Loewe against Lawlor, a decision rendered by Chief Justice Fuller, and familiarly known as the Danbury Hat case.

Gentlemen, there is not a line in that case that even hints at such a proposition. My friend is mistaken; he certainly has not read the decision. I undertake to say that there is not a lawyer in this House on either side who will read that case and stand before his constituents or any assemblage of honest men and say that it is there. It is not.

What is the Sherman antitrust act? It is a law which condemns all combinations in restraint of trade affecting interstate commerce. It excepts none, but denounces all. My friend from New Jersey the other day said that it was broader than the common law in its condemnation of restraints of trade, and therefore violative of the rights of the workingman. Is it broader than the common law? Yes. How? In this respect, that it makes all combinations in restraint of trade unlawful. At common law certain agreements in restraint of trade were not unlawful, and courts of equity would not enjoin their operation. Is an agreement between men to strike for increase of wages in restraint of trade? No.

The courts of this country have decided time and time again that laboring men have the right to agree to strike for increase in wages or because of unjust treatment of any kind by their employers and to peaceably induce or persuade others of their associates to join with them in the strike, and, furthermore, what have they said?

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. MADISON. No. The gentleman did not yield to anyone, and I must decline to yield to him.

Mr. HUGHES of New Jersey. The gentleman is as mistaken about that as he is about the law.

Mr. MADISON. I am not mistaken about that proposition. I will undertake to say that there are 50 decisions by leading judges in this country, holding that laboring men have the right to agree to strike, and to strike in a body; more than that, they have the right to use the direct boycott; they have a right to agree among themselves not to patronize a certain person with whom they are in a controversy, and call upon their associates not to patronize him, but when they apply the secondary boycott, when they by intimidation or by coercion attempt to operate upon and boycott the customers of that man, third persons, who are not directly interested in the controversy, and try to compel them against their will not to patronize him, then the law steps in and says they must withhold their hands, and it is right it should do it. This is an attempt, gentlemen, to write into the law so far as this particular measure is concerned a legalization of the secondary boycott. Do you want to do it? It is the question that is presented to you and me to-day. Why, the laws of this country are liberal to the workingman. He can strike, he can agree to strike, he can act under a leader in a strike, and he can apply the direct boycott, but when it comes to going further, and so acting as to impede and obstruct the natural and lawful course of trade in this country, then the law says he shall stop. And all in the world that this antitrust act does is to apply to him that simple and proper rule that he, too, as well as the creators of trusts and monopolies, shall not obstruct the natural and ordinary course of trade in the United States of America. I believe in the high aims, motives, and patriotism of the American workingmen and do not believe that rightly understanding this amendment they would ask us to write it into the law of this Republic.

I hope that to-day the response will come sharp and strong from every patriotic heart in this Hall that this proposed step will not be taken toward the legalization of the secondary boycott; that our action here to-day will again proclaim that in the United States all men must stand equal before the law and all men, without exception, must obey the law. [Loud applause.]

Mr. TAWNEY. I yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

—Mr. BARTLETT of Georgia. Mr. Speaker, I am opposed to this motion for the House to recede from its agreement to this

amendment. The people of this country, Members of this House, and many lawyers of the country do not agree to the proposition that has been decided—that the Sherman antitrust law intended when passed to embrace in its provisions labor organizations and organizations of farmers throughout the country. [Applause.]

The debates on the floor of the Senate when that act was passed and the history of the legislation shows that the bill once contained almost this identical provision. It passed the Senate and it was rereferred to the Judiciary Committee for further amendment, and when it was reported to the Senate the author of that bill, Senator Sherman, on the floor of the Senate stated, and afterwards in his memoirs declared, that it was not put in there because no member of the Senate thought it covered this kind of organization.

The House in 1900 attempted to amend the antitrust law. The minority members of the Judiciary Committee offered an amendment to the bill reported by that committee, which was as follows:

Amend section 7 as proposed by the committee by inserting, between the first words "that" and "this," in the first line of said section, the following words, to wit:

"Nothing in this act shall be so construed as to apply to trade unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed."

Upon that amendment, so offered by the minority members of the Judiciary Committee on the 2d of June, 1900, the roll was called in the House and only eight men had the courage to vote against it. Among the nays was the brave and stalwart Mr. CANNON, now the Speaker. And amongst those voting for that amendment was the honorable gentleman from Minnesota [Mr. TAWNEY]. [Applause on the Democratic side.] There is the record of the vote. The gentleman voted then for almost this identical amendment to the Sherman antitrust law, which declared that in the enforcement of that law these organizations should be exempt. Now, we propose to resort to the power which the English Parliament often resorted to in order to enforce the recognition of the rights of the people at the hands of the King, resorting to the power which a Democratic Congress in 1877 resorted to to protect the people of the South from interference by federal marshals at our elections.

I am in favor of declaring, by this amendment, that, in spite of the decision of the Supreme Court, we do not believe it is just and proper or within the province of the antitrust act to indict and prosecute members of labor organizations formed and organized for the purposes set out in this amendment. The country, in my judgment, has not and does not indorse the proposition that these organizations should be subject to the penalties pronounced in the act of 1890 against unlawful conspiracies to interfere with interstate commerce; and the sooner we make it plain by statute the better for all.

So, Mr. Speaker, while I have the utmost respect for law, while I would enforce it, I assert the power of a Member of this House when I say I will not vote a dollar for the prosecution of men who have organized legitimately and properly to better their condition as the labor organizations have. I reserve to myself the right that my ancestors exercised in the Parliament of England three hundred years ago when they said, "We will not give the government the power and money to carry out purposes which we do not indorse." [Loud applause on the Democratic side.]

Mr. TAWNEY. I yield three and a half minutes to the gentleman from New Jersey, which, with the minute and a half that he has remaining, will make five.

Mr. HUGHES of New Jersey. Mr. Speaker, I simply rise for the purpose of answering one suggestion made by the gentleman from Kansas [Mr. MADISON] and to make a statement in connection with that suggestion. The gentleman contends for a uniform enforcement of the law; but I have noticed that many gentlemen contend for a uniform enforcement of the law if it is organized labor that is supposed to be violating the law, and are not so clamorous when other organizations are notoriously violating that law. [Loud applause on the Democratic side.] Not only has the Legislature been asked to interfere, but the Executive has been known to interfere. I call your attention to the fact that the Tennessee Coal and Iron Company, by express permission of a Republican President, was permitted to be taken into the steel trust in plain violation of the terms of this very law. [Loud applause on the Democratic side.]

And I want to call the attention of the House to this fact: That the original draft of the railroad bill, made up by your Attorney-General, approved by your President, and sent to this House, and by it referred to the Committee on Interstate and Foreign Commerce, and reported upon this floor, bore in its very midst a provision to exempt the railroads of this country from the provisions of this very law, by title. [Loud applause on the Democratic side.] If I am not mistaken, the gentleman

from Minnesota, who, according to the RECORD, seems to be fond of this sort of legislation, voted for it. [Laughter and applause on the Democratic side.]

I think the gentleman from Kansas, great and good lawyer as I know him to be, has not given this matter the consideration that he would ordinarily give to one of its importance. Perhaps it is because of that visit which he recently made, and which has been widely heralded in the newspapers, that he comes hurriedly in here to make a very bad argument against this amendment.

Now, under the common law, that law which the gentleman absolutely approves, it was criminal for men to band themselves together for the purpose of simultaneously withdrawing from their employment. I challenge any lawyer upon the floor of this House to say that in the absence of statutory enactments to the contrary this is not the law of the land in every State of the Union which accepted the common law of England.

Why, then, we find that men simultaneously withdrawing from their employment are guilty of conspiracy. As I stated before, I know of men who went to prison for that very thing. It took an act of the legislature to enable working people to go on a strike in the State of New Jersey, and a repeal of that law would put them in jeopardy to-day.

Under the Sherman antitrust law any organization or combination of men who interfere with interstate commerce are in precisely the same situation as these men I have referred to; and the court in the very case which the gentleman cited, and which I cited, too, said that the language of the law with respect to these combinations in restraint of trade is broader than even the common law. And I say if a body of trainmen sufficiently great in number were to combine for the purpose of simultaneously withdrawing from a railroad's employ that that is such a combination, and the very moment that it becomes effective and extensive enough to interfere with interstate commerce it comes within the provisions of the Sherman antitrust law. [Loud applause on the Democratic side.]

Mr. Speaker, I will print as part of my remarks two letters which I received a few minutes ago bearing on this subject:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., June 23, 1910.

Hon. WILLIAM HUGHES,
Member of Congress from New Jersey,
House of Representatives, Washington, D. C.

DEAR SIR: To the sundry civil appropriation bill the House, as you know, adopted the following proviso:

"That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful."

The Senate struck it from the bill and the opposite positions of the House and the Senate on this proviso were, with other differences on the bill, referred to the conferees of both Houses. The conferees were unable to agree upon the proviso and the House, by a decisive vote of 154 to 105, directed its conferees to insist upon the retention of the proviso in the bill.

In the debates upon this subject it was held by some Members and Senators that the proviso, even if retained, would be of doubtful benefit. In connection with this matter we beg to say that as the executive council of the American Federation of Labor, directly representing the organized workers of the country and voicing the needs and aspirations of all, we feel that the House proviso is of an important character, both in effect and influence. An industrial dispute with employers for better wages, shorter hours, and improved conditions of employment may and has been the basis for criminal indictments and civil suits. The retention of the House proviso in the sundry civil appropriation bill will not only prevent the criminal prosecution of workmen engaged in the normal activities to protect and promote their rights and interests, but it will also be declaratory in character, tending toward a solution of a situation which now practically outlaws the associated effort of the workers in defense of their personal rights and interests.

The executive council of the American Federation of Labor, now in session in Washington, D. C., desires to express its appreciation of the assistance of those Representatives who have supported the House proviso, and also at the same time respectfully urges you to aid by your vote and, if necessary, your voice in support of the proposition to retain the proviso in the bill.

A similar letter to this is being sent to each Member of the House. Trusting that the request may commend itself to your favorable consideration and action, I have the honor to remain,

Yours, very respectfully,

Samuel Gompers, president American Federation of Labor; Frank Morrison, secretary; John B. Lennon, treasurer; James Duncan, first vice-president; John Mitchell, second vice-president; James O'Connell, third vice-president; D. A. Hayes, fourth vice-president; William D. Huber, fifth vice-president; Joseph F. Valentine, sixth vice-president; John R. Alpine, seventh vice-president; H. B. Perham, eighth vice-president.

Executive Council American Federation of Labor.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., June 23, 1910.

Hon. WILLIAM HUGHES,
Member of Congress, Sixth District of New Jersey,
House of Representatives, Washington, D. C.

MY DEAR MR. HUGHES: As stated in the accompanying letter, similar letters are being written to each Member of the House of Representatives. They are not yet completed, but I hope to have them in the hands of the Members some time this afternoon. In connection with

the letter, permit me to call your attention to the fact that a few years ago 75 workmen were indicted in New Orleans charged with violation of the antitrust law of 1890, the grounds of it being that they acted in union or "conspiracy" to aid their fellow-workmen by a strike. That the cases were not prosecuted was simply a matter of discretionary direction of the administration under President Roosevelt. A few months ago a number of farmers were sentenced to various terms of imprisonment under the same act, because they acted in union or in "conspiracy" to maintain a decent price for their own products. Under the decision of the United States Supreme Court, in the now famous Hatters' case, there can be no question but that the Federal Government may at any time not only criminally prosecute the members of labor and farmers' organizations and undertake to dissolve these associations under the penal provisions of the antitrust act, and this also in addition to the members of labor organizations being subject to civil suits for damages and threefold damages obtained for any loss sustained by employers by reason of the activities of the workers to protect and promote their personal interests as wage-earners.

Inclosed you will find a copy of the suit instituted by A. Sitomer Company against Mrs. Belmont and others, including the officers of the Shirtwaist Makers and National Ladies Garment Workers' Union, their officers and members. This suit, as you will see, is brought in the federal courts under the provisions of the Sherman antitrust law as interpreted by the United States Supreme Court in the Hatters' case. I will ask you to return it to me as well as the inclosed clipping from a New York paper giving a newspaper account of the suit. There is one mistaken statement in the newspaper clipping. It says that the shirtwaist makers refused to do the work of Sitomer Company on the ground that it was a boycott. As a matter of fact the girls were ready to work for the Sitomer Company, but they were on strike in a large number of shops to remove the terrible, brutal conditions obtaining throughout the trade, and the girls refused to work on shirt waists which other firms in which the strike was on sent in to Sitomer Company to be made by the girls in that factory.

I trust that the rumor which is afloat is unfounded; that is, that some of the Members are leaving the Capitol while the conferees' report on the sundry civil appropriation bill is still pending.

With very best wishes, I am, sincerely, yours,

SAM'L GOMPERS,

President American Federation of Labor.

Mr. TAWNEY. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, every man in this country should be held equally responsible to the law. No man should have privileges that all other men do not enjoy. No man should be held to be above and no man below the law.

While the law is on the statute books it should be observed and enforced. If there is anything wrong about the law, it should be amended and improved; but while it stands there, nothing should be done to prevent the executive officers of the Government from enforcing it. It matters not whether it applies to a labor organization or to an organization of capitalists—

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. MADDEN. I have no time to yield. I favor giving to every man an opportunity to exert the best that there is in him for the advancement of his own best interests, but I am opposed to any measure which seeks to restrict my right as a citizen, and adds to the rights of other men as citizens of the Union; and whether I ever sit in this House again or not, I feel that I should rise here in my place and raise my voice against any attempt to make it criminal for one man to do a thing that is legal for another man to do. [Applause on the Republican side.]

I believe that no special legislation should be enacted. There ought not to be two classes of citizens under the Constitution of this country. Each man in the country ought to be subject to the same provisions of the law. Each man ought to be liable to be prosecuted for the same offense, in the same way, nothing more and nothing less. This is no injustice to the workmen of the country. I have been a workman all my life. I have worked with the men who are now employed by me. I carried water to a number of men who are now in my employ. I am still one of them. I believe in them. I think they believe in me. I believe that if we enact the law which is proposed by the amendment of the gentleman from New Jersey [Mr. HUGHES] we will not only be doing a great injustice to the workmen of the country but to every citizen of the country, no matter in what employment he may be engaged.

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

Mr. MADDEN. I have no time to yield for a question. The gentleman from New Jersey says that the law coming from the Attorney-General, regulating the railroads of the country, provided that the railroads should be exempt from the provisions of the Sherman antitrust law, but the gentleman must agree that that feature of the law was stricken out on my motion, and the vote shows that the membership of this House possessed too much patriotism to enact any clause in the law which gave exemptions to any class of citizens to which every other citizen was not entitled.

Mr. Speaker, I wish to say once for all that under no circumstances, at no time and no place, will I cast a vote to say that I am not the equal of any other citizen in the land. [Applause on the Republican side.]

Mr. TAWNEY. Mr. Speaker, the gentleman from New Jersey [Mr. HUGHES] said that gentlemen upon this side of the House were perfectly willing to have the Sherman antitrust law enforced against labor organizations, but were not in favor of

enforcing the law in respect to other organizations. I want to say just one word in reply. As an evidence of what has been done by this administration in the matter of the enforcement of the Sherman antitrust law I want to read a letter from the Attorney-General, dated June 20, inclosing a statement of the number of cases brought by the Government during the last year against combinations and alleged trusts for alleged violations of the Sherman antitrust law, and also the number of cases brought against railroads for the violation of the interstate-commerce act. This statement, which I shall print in the RECORD, together with the letter of the Attorney-General, shows that during the year we have prosecuted a great many cases, some of them to final judgment—17 cases against trusts and combinations in the United States and 9 cases against railroads. In answer to my question, the Attorney-General says:

No prosecution of any labor organization has been made by this department during the year, nor, so far as I can ascertain from the records of this department, has there been any prosecution of any labor organization under the Sherman law by the Government at any time.

Mr. HUGHES of New Jersey. Will the gentleman yield? I want to correct that statement. They gave me the same information. I am sure the gentleman does not want to mislead the House.

Mr. TAWNEY. I can not yield for the purpose of allowing the gentleman from New Jersey to "correct" the official statement of the Attorney-General of the United States.

Now, that record is not only a tribute to the Department of Justice for its activity in the enforcement of the Sherman antitrust law, but it is likewise a tribute to the labor organizations of the United States that have acted within the provisions of that law. They have not been guilty of a violation of the law, or at least have not been charged with such guilt, and therefore have never invited any prosecution on the part of the Government for a violation of that law.

Mr. PRINCE. When was that statute passed?

Mr. TAWNEY. On July 2 of this year the Sherman antitrust law will have been on the statute books for twenty years, and during that time the Government of the United States has never instituted any proceedings against a labor organization for a violation of the Sherman antitrust law. I am justified in saying that there is no necessity for this amendment, and it is offered for pure political buncombe.

Mr. Speaker, I ask unanimous consent to print as part of my remarks the letter and statement of the Attorney-General I referred to.

The SPEAKER. Without objection, the request is granted. [After a pause.] The Chair hears none.

The letter and statement referred to are as follows:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., June 20, 1910.

HON. JAMES A. TAWNEY, M. C.,
House of Representatives.

MY DEAR MR. TAWNEY: I have had made up two statements, which I inclose.

(A) A statement of cases brought during the past year for violations of the Sherman antitrust act, the expense of which is chargeable to the fund for prosecutions under that law.

(B) A statement of interstate commerce matters which have been handled by this department.

In addition to the proceedings indicated on these two statements, there are quite a number of investigations now being carried on by this department, which have not yet reached a stage when any public statement can be made concerning them consistently with the public interest.

No prosecutions of any labor organizations have been made by this department during the year, nor, so far as I can ascertain, has there been any prosecution of any labor organization under the Sherman law by the Government at any time.

If you desire any further details or anything in addition to these statements, I shall take pleasure in having it furnished.

Very truly yours,

GEO. W. WICKERSHAM, Attorney-General.

United States v. Terminal Railroad Association of St. Louis. Action brought under the Sherman Act for monopolizing terminal facilities at St. Louis.

United States v. Imperial Window Glass Company et al. Criminal case; western district of Pennsylvania. Alleged violation of the Sherman Act in restraining trade in window glass; three counts in indictment.

United States v. John S. Steers et al. Eastern district of Kentucky; known as Night Rider case; eight defendants convicted and fined.

United States v. Simmons et al. Pending in southern district of Alabama; indictment of master plumbers under the Sherman Act.

United States v. Cudahy Packing Company, Armour Packing Company, Schwarzschild & Sulzberger Co., Morris & Co., Swift & Co., Earnest B. Adams, William B. Cooper and Frederick W. Hulp, jr. Southern district of Georgia; indictment charges conspiracy to destroy competitors and fix and maintain prices of fresh meats.

United States v. Albia Box and Paper Company et al. Southern district of New York; indictment under Sherman Act, charging restraint of trade; fines aggregating \$58,000 imposed.

United States v. Southern Wholesale Grocers' Association; suit against large number of individual defendants, alleging violation of the Sherman Act, fixing of prices, and terms of sale for grocers.

United States v. Great Lakes Towing Company et al.; suit under the Sherman Act, alleging that said company is engaged in monopolizing the transportation of freight and passengers on the Great Lakes; suit instituted at Cleveland, Ohio.

United States v. W. P. Brown, Frank Hayne, James A. Patten et al.; indictment returned by grand jury for southern district of New York, after an investigation of several months, on theory that a conspiracy had been formed in restraint of trade and commerce in cotton.

United States v. Chicago Butter and Egg Board; suit to restrain combination alleged to be in restraint of trade and commerce in the transportation and shipping of butter and eggs.

United States v. du Pont, de Nemours Company, so-called Powder Trust case, taking of testimony being rapidly completed.

United States v. National Packing Company, G. H. Hammond Company, and subsidiary companies; northern district of Illinois; indictments against said companies and also action to dissolve National Packing Company as a conspiracy in restraint of trade and commerce.

United States v. Missouri Pacific Railway Company et al.; suit against 25 railroads to restrain violation of Sherman Act.

United States v. Standard Oil Company of New Jersey; argued and submitted to Supreme Court during October term, 1909; to be reargued at October term, 1910.

United States v. American Tobacco Company et al.; argued and submitted to Supreme Court during October term, 1909; to be reargued at October term, 1910.

United States v. Reading Company et al.; suit under antitrust act to dissolve illegal combination; argued and submitted to the circuit court for the eastern district of Pennsylvania.

United States v. Union Pacific Railroad Company, Southern Pacific Company et al.; suit to dissolve merger; evidence has been taken and case set down for trial next October.

B.

United States v. Standard Oil Company of Indiana; indictment for accepting concessions from Illinois Central and Southern railroads on oil transportation; set for trial at Jackson, Tenn., October, 1910; special counsel employed.

United States v. Lehigh Valley Railway Company.

United States v. Erie Railway Company.

United States v. Central Railroad Company of New Jersey.

United States v. Pennsylvania Railroad Company.

Four of the original commodities clause cases; Supreme Court reversed and remanded for further proceedings; circuit court dismissed absolutely and Government has appealed again.

Atchison, Topeka and Santa Fe R. R. v. Interstate Commerce Commission; bill in equity to restrain enforcement of order of Interstate Commerce Commission relating to switching charges at Los Angeles.

Southern Pacific Company v. Interstate Commerce Commission; bill in equity to restrain enforcement of order of the Interstate Commerce Commission relating to switching charges at Los Angeles.

United States v. Southern Pacific Company; nine indictments, San Francisco, Cal., alleging rebating on the part of the Southern Pacific. Pullman Company v. Interstate Commerce Commission; action to enjoin order of the Interstate Commerce Commission; defense being made by the commission and by the Government.

Mr. TAWNEY. Mr. Speaker, I move the previous question.

Mr. HUGHES of New Jersey. Will the gentleman yield to me to make a request?

Mr. TAWNEY. I have no objection to the gentleman from New Jersey asking to extend his remarks in the RECORD.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The question was taken; and the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Minnesota, that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. HUGHES of New Jersey. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 130, answered "present" 16, not voting 105, as follows:

YEAS—138.

Alexander, N. Y.	Dwight	Johnson, Ohio	Payne
Ames	Ellis	Kinkaid, Nebr.	Pickett
Anthony	Elvins	Knapp	Plumley
Barchfeld	Englebright	Knowland	Pratt
Barclay	Esch	Küstermann	Pray
Barnard	Fassett	Langham	Prince
Bartholdt	Fordney	Law	Reeder
Bartlett, Nev.	Foss, Ill.	Lawrence	Roberts
Bates	Foster, Vt.	Longworth	Scott
Bennet, N. Y.	Foulkrod	Loud	Sheffield
Bingham	Fuller	Loudenslager	Sherley
Boutell	Gaines	Lowden	Simmons
Bradley	Gardner, Mass.	McCall	Slemp
Burke, Pa.	Gardner, Mich.	McCreary	Smith, Cal.
Burke, S. Dak.	Gardner, N. J.	McCredie	Smith, Iowa
Calder	Gillett	McGuire, Okla.	Smith, Mich.
Calderhead	Goebel	McKinley, Ill.	Southwick
Cassidy	Good	McKinney	Sterling
Chapman	Graft	McLachlan, Cal.	Stevens, Minn.
Cocks, N. Y.	Graham, Pa.	McLaughlin, Mich.	Sturgiss
Cole	Griest	Madden	Sulloway
Cooper, Pa.	Guernsey	Madison	Tawney
Coudrey	Hamer	Malby	Taylor, Ohio
Cowles	Hamilton	Mann	Thistlewood
Creager	Hawley	Miller, Kans.	Thomas, Ohio
Crow	Heald	Millington	Tilson
Crumpacker	Henry, Conn.	Moon, Pa.	Volstead
Currier	Higgins	Morgan, Mo.	Wanger
Dalzell	Hill	Morgan, Okla.	Washburn
Davidson	Howell, N. J.	Needham	Weeks
Denby	Howell, Utah	Nye	Wheeler
Diekema	Howland	Olcott	Wiley
Dodds	Hubbard, W. Va.	Page	Woodyard
Draper	Hull, Iowa	Parker	
Durey	Humphrey, Wash.	Parsons	

NAYS—130.

Adair	Edwards, Ga.	Johnson, Ky.	Reynolds
Adamson	Ellerbe	Jones	Richardson
Aiken	Finley	Kelher	Robinson
Alexander, Mo.	Fish	Kendall	Roddenberry
Anderson	Floyd, Ark.	Kinkead, N. J.	Rodenberg
Austin	Focht	Korbly	Rothermel
Beall, Tex.	Foster, Ill.	Kronmiller	Rucker, Colo.
Bell, Ga.	Gallagher	Lamb	Rucker, Mo.
Booher	Garner, Tex.	Lenroot	Sabath
Botland	Garrett	Lever	Saunders
Bowers	Gill, Mo.	Lundin	Sharp
Burgess	Gillespie	McDermott	Sheppard
Burleson	Goldfogle	Macon	Sherwood
Burnett	Gordone	Maguire, Nebr.	Sims
Byrns	Goulden	Martin, Colo.	Sisson
Candler	Graham, Ill.	Mays	Smith, Tex.
Carter	Green, Tex.	Moore, Tex.	Spight
Cary	Hamlin	Morrison	Stafford
Clark, Mo.	Hammond	Moss	Stephens, Tex.
Cline	Hardwick	Murdock	Sulzer
Collier	Hardy	Nelson	Taylor, Colo.
Cooper, Wis.	Havens	Nicholls	Thomas, Ky.
Covington	Hay	O'Connell	Thomas, N. C.
Cox, Ind.	Hayes	Oldfield	Ton Velle
Craig	Hellin	Palmer, A. M.	Turnbull
Cullop	Helm	Patterson	Underwood
Davis	Henry, Tex.	Poindexter	Watkins
Dent	Houston	Pou	Wickliffe
Denver	Howard	Pujo	Wilson, Ill.
Dickinson, Mo.	Hubbard, Iowa	Ralney	Wilson, Pa.
Dies	Hughes, Ga.	Randell, Tex.	Woods, Iowa
Dixon, Ind.	Hughes, N. J.	Ransdell, La.	
Driscoll, D. A.	Hull, Tenn.	Rauch	

ANSWERED "PRESENT"—16.

Bartlett, Ga.	Ferris	Kennedy, Ohio	Padgett
Carlin	Hobson	Kopp	Sparkman
Clark, Fla.	James	Lafean	Tirrell
Douglas	Keifer	Lee	Young, N. Y.

NOT VOTING—105.

Allen	Fitzgerald	Kahn	Pearre
Andrus	Flood, Va.	Kennedy, Iowa	Peters
Ansberry	Foelker	Kitchin	Reid
Ashbrook	Fornes	Langley	Rhinoek
Barnhart	Foss, Mass.	Latta	Riordan
Bennett, Ky.	Fowler	Legare	Shackelford
Boehne	Garner, Pa.	Lindbergh	Slayden
Brantley	Gill, Md.	Lindsay	Small
Broussard	Gilmore	Livingston	Snapp
Brownlow	Glass	Lloyd	Sperry
Burleigh	Godwin	McHenry	Stanley
Butler	Grant	McKinlay, Cal.	Steenerson
Byrd	Gregg	McMorran	Swasey
Campbell	Gronna	Martin, S. Dak.	Talbott
Cantrill	Hamill	Maynard	Taylor, Ala.
Capron	Hanna	Miller, Minn.	Tener
Clayton	Harrison	Mondell	Townsend
Conry	Haugen	Moon, Tenn.	Vreeland
Cook	Hinshaw	Moore, Pa.	Wallace
Cox, Ohio	Hitchcock	Morehead	Webb
Cravens	Hollingsworth	Morse	Weisse
Dawson	Huff	Moxley	Willet
Dickson, Miss.	Hughes, W. Va.	Mudd	Wood, N. J.
Driscoll, M. E.	Humphreys, Miss.	Murphy	Young, Mich.
Edwards, Ky.	Jamieson	Norris	
Estopinal	Johnson, S. C.	Olmsted	
Fairchild	Joyce	Palmer, H. W.	

So the motion was agreed to.

The following additional pairs were announced:

For the balance of the session:

Mr. KOPP with Mr. LATTI.

Until further notice:

Mr. MOORE of Pennsylvania with Mr. MAYNARD.

Mr. TENER with Mr. TAYLOR of Alabama.

Mr. KENNEDY of Iowa with Mr. LLOYD.

Mr. HOLLINGSWORTH with Mr. HITCHCOCK.

Mr. GRANT with Mr. FLOOD of Virginia.

Mr. EDWARDS of Kentucky with Mr. GLASS.

Mr. GARNER of Pennsylvania with Mr. GILL of Maryland.

Mr. M. E. DRISCOLL with Mr. BARNHART.

Mr. BURLEIGH with Mr. BOEHNE.

Mr. MCMORRAN with Mr. CLAYTON.

Mr. CAMPBELL with Mr. WEBB.

Mr. OLMSTED with Mr. JAMES.

Mr. MURPHY with Mr. FERRIS.

Mr. HUFF with Mr. BRANTLEY.

For the balance of the day:

Mr. WOOD with Mr. WALLACE.

Mr. BROWNLOW with Mr. MOON of Tennessee.

Mr. HINSHAW with Mr. BYRD.

On this vote:

Mr. HINSHAW with Mr. TALBOTT.

Mr. JAMES. Mr. Speaker, has the gentleman from Pennsylvania [Mr. OLMSTED] voted?

The SPEAKER. He did not.

Mr. JAMES. I have a general pair with him, and I wish to withdraw my vote in the negative and answer "present."

Mr. FERRIS. Mr. Speaker, I am paired with the gentleman from Missouri [Mr. MURPHY], and I wish to withdraw my vote in the negative and answer "present."

Mr. BARTLETT of Georgia. Mr. Speaker, how did the gentleman from Kentucky [Mr. LANGLEY] vote?

The SPEAKER. He did not vote.

Mr. BARTLETT of Georgia. I have a pair with the gentleman from Kentucky, who is absent on account of sickness. I withdraw my vote in the negative and answer "present."

The result of the vote was then announced as above recorded.

Mr. TAWNEY. Mr. Speaker, I ask for a further conference on the amendments in disagreement.

The SPEAKER. Is there objection?

There was no objection.

The Speaker announced the following conferees: Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. FITZGERALD.

SITTINGS OF UNITED STATES COURTS IN ARKANSAS.

Mr. MACON. Mr. Speaker, I call up the Senate concurrent resolution 37, and move that the House agree to the same.

The SPEAKER. The gentleman from Arkansas calls up Senate concurrent resolution 37, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 37.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6719) to provide for the sittings of the United States circuit and district courts of the eastern division of the eastern district of Arkansas in the city of Jonesboro, in said district.

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

So the concurrent resolution was agreed to.

Mr. MANN. Mr. Speaker, is that a proper resolution here, to have the House ask the President to return a bill to the Senate?

The SPEAKER. It is a concurrent resolution.

JAMES C. JOHNSON.

The SPEAKER. Without objection, the message of the President returning H. R. 1386, "An act to correct the naval record of James C. Johnson," will go on file.

There was no objection.

Mr. MOON of Pennsylvania. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 1386, entitled "An act to correct the naval record of James C. Johnson," returned by the President in response to a concurrent resolution, and ask for the adoption of the concurrent resolution which I now send to the Speaker's table.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read as follows:

House concurrent resolution 52.

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice-President and President of the Senate in signing the enrolled bill H. R. 1386, "An act to correct the naval record of James C. Johnson," be rescinded, and that in the enrollment of the bill the following amendment be made, to wit:

Amend the title so as to read: "For the relief of James C. Johnson." Strike out all after the enacting clause and insert the following: "That in the administration of the pension laws James C. Johnson, who served in the United States Navy until May 5, 1863, shall hereafter be held and considered to have been honorably discharged from the naval service on that date."

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Is that resolution in the usual form?

The SPEAKER. Yes.

Mr. CLARK of Missouri. Can the House rescind a thing that the Speaker does?

The SPEAKER. The resolution is a concurrent resolution.

Mr. MOON of Pennsylvania. It is one that has frequently been adopted here.

Mr. CLARK of Missouri. It is a ridiculous performance, even if it has been done frequently.

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

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

OLD-AGE PENSIONS.

Mr. LUNDIN. Mr. Speaker, on April 9, 1909, I introduced the following resolution, which was referred to the Committee on Rules:

House resolution 57.

Resolved, That the Speaker is hereby authorized and directed to appoint a select committee, consisting of seven Members of the House, to investigate the various systems of old-age insurance, old-age pensions, and annuities that are now in operation in the different countries of the world, and to determine the practicability of establishing such systems in the United States.

Said committee shall keep a record of its investigations and report to the House at the conclusion of its work, and not later than January twelfth, nineteen hundred and eleven, the results of such investigations,

setting forth the plan of operation in countries having such institutions, the cost to such countries of maintaining the system, and the benefits derived from it.

Said committee may employ a stenographer and one clerk, and is hereby authorized and empowered to send for persons and papers, to compel the attendance of witnesses, and to administer oaths. The several departments and bureaus of the Government, and the employees thereof, shall furnish such information as may be requested by the said committee in its investigations. The expenses incurred hereunder shall be paid out of the contingent fund of the House on vouchers approved by the chairman of said committee.

In order to obtain some knowledge of public sentiment for or against the undertaking of such an investigation, I caused to be mailed several hundred thousand letters, a copy of which I ask leave to print herein:

HOUSE OF REPRESENTATIVES,
Washington.

DEAR SIR: For some time past I have made a study of the general subject of old-age pension systems now in vogue in several countries of the world, and since my election to Congress I have felt it my duty to advance this movement, and consequently introduced at the present session of Congress a resolution bearing on this matter, a copy of which, as well as a copy of the joint resolution of indorsement passed by the forty-sixth general assembly of the State of Illinois, I inclose herewith.

I would ask your careful perusal of these official documents, which give added interest to this subject, with a view to securing your aid and cooperation in a painstaking investigation of this world-wide system, looking to the feasibility of its eventual establishment in the United States. In soliciting your support, I desire to submit for your consideration some facts and arguments relating to this matter, a number of which have heretofore been touched upon by able writers, and some of which present themselves to me as pertinent to the issues involved.

The proposition of old-age pensions, while comparatively new in this country, has passed through the stages of experiment into an established success among other nations. The first country to adopt this system was Germany, by enactment of law in 1889, followed by additional legislation in 1891 and a complete act in 1899. The present German law covers 25 per cent of the whole population and is compulsory in many instances and voluntary in some. The pension payable is graduated up to \$57.50 a year, according to class and weekly premium paid. Beyond 70 years of age no incapacity need be shown to avail the beneficiary his or her pension.

The next move among the nations in this line was on the part of Denmark in 1891. The Danish system, while indefinite as to fixed figures, is still quite comprehensive. All persons over 60 years of age are eligible to benefits conferred by the pension law, with specified limitations as to residence, health, and record of citizenship.

In 1897 New Zealand enacted its first law, passed amendatory measures in 1900, 1901, 1902, and 1905, and in 1908 consolidated all its acts bearing on old-age pensions, and now a most liberal and enlightened system is in operation in that colony. Sixty-five years is the pension age, and to all those who are without a minimum competence and can show twenty-five years' honorable residence in New Zealand the government pays \$2.50 weekly. The cost per capita of population is small. The benefits conferred are great and not only redound to the benefit of pensioners, but to that of society in general.

Belgium adopted an insurance annuity and nationally sustained pension act in 1900. It applies to Belgian subjects by birth, naturalization, or marriage. Annuities are granted according to age and amount of premium paid. Pensions are paid to all over 65 years of age under certain prescribed conditions of want and disability.

Italy, France, and Austria are operating systems of annuities and pensions, improved within recent years, and doubtless will extend their plans in the near future to embrace new details of this liberal movement. Old-age relief is recognized in these countries as an institution of worth, and the system can not fail to grow with the advance of the times.

Australia probably presents the best example of growth and modernization of the old-age pension idea. The colonies of New South Wales, Victoria, and Queensland have all operated under advanced systems since 1900 and 1901, and on July 1, 1909, this pension law will be operative in all of Australia. The general plan there is about as follows: Men over 65 and women over 60 are pensioned at the rate of \$2.50 and \$2 a week, respectively. Restrictions pertaining to income, residence, and character surround the application of the law most effectively. I am in receipt of a letter from the American consul at Newcastle, New South Wales, under date of March 15, 1909, in which he says: "It is the general opinion that these pensions are a very good thing and that these laws are working out satisfactorily. Some 400 pensioners are paid at the Newcastle branch of the Bank of New South Wales every month. In order to see for myself the people receive their pensions, I was present the first of this month and saw a large number of them paid. They appeared to be a most respectable lot of old people, and I feel certain the money allowed them each month by the Government is judiciously expended."

After years of consideration of this interesting subject and a prolonged conflict of ideas, England adopted an old-age pension law in 1908, which became effective January 1, 1909. Under its provisions all persons over 70 years of age are pensionable if they meet the requirements of regulations as to income, habits, and character. The amounts paid run from 25 cents to \$1.25 weekly.

Canada passed an annuity law in 1908. Under it people beyond the age of 55 years may draw from \$50 to \$600 annually. It is a government insurance proposition pure and simple, and dependent upon premiums; but, as a step, is encouraging to every believer in the humane policy of making provision for old age a matter of governmental regulation.

The Norwegian and Swedish Governments are recognizing the value of old-age pensions through public investigations now in progress, and legislative enactment on the subject is expected at an early date.

Our great American corporations, always alive to measures of economy, are adopting pension systems rapidly. Retiring ages are established and regular allowances prescribed on a basis of service rendered and salary paid during the period of active employment.

I have only cited briefly and generally the instances where old-age pensions or annuities are in operation in some form, but the same principle prevails and will apply to America as successfully as in other quarters of the globe. We bestow with pride the pension upon the soldier who has fought our wars, and he accepts it as an honorable reward. Why not extend the Government's recognition as gratefully to

the soldier of peace, who is as necessary as the soldier of war if he has fought honorably and well the battle of the shop, the mine, the forest, and the farm?

Those who do not believe in old-age pensions for America say that our country is different and can not adopt the plans of European nations, and that our system of naturalization and the facility with which we create citizens is an impediment to the success of any such proposition. I say that this nation, made up as it is of people from every country, can under our freedom all the more readily adopt an institution so liberal and humane.

To protect an American citizen, regardless of land of birth, our army, our navy, and our wealth are at command. Why not consider a broader step and hold him harmless from want and penury in the period of old age? The disposition of corporations and civil service commissions is to discriminate against men and women over 35, 40, 45, and 50 years of age; therefore some provision should be made so that the toiler who has enriched others with a life of labor, but is himself without an accumulation of gold, can still rely in his declining years on deserved public reward under the Nation's law.

It is my belief that an old-age pension system in this country should find revenue in a graduated inheritance and income tax. To be entitled to a pension a person should be an American citizen and an actual resident of the United States for twenty or twenty-five years. A conviction for crime should be a positive barrier to participation in any benefits provided under such a law, and an upright and industrious record of living should be shown. Under such a policy of government, why would not men and women more surely respect the law when they know that its rewards and penalties directly affect their future comfort? What danger lies in an incentive to obedience? What harm if people invoke a system that will draw them into closer contact with their government and to that extent discourage anarchy and lawlessness?

I believe this plan will prove an economical one; that it will cost the taxpayer of America less to pension all worthy men and women over 65 years of age who are in need than to maintain them in poorhouses and charitable institutions, and it seems as though a higher standard of morality and plane of civilization would result. The dread of poverty in old age would be forever removed from the minds of millions, and many incentives to dishonesty in young and middle life, so powerful under the modern strain, would disappear with the assurance that a sober, industrious, and reputable life would lead to an estate of honor in declining years.

I believe that we can not too soon commence the investigation of this new field of human endeavor. A mighty contest will have to be waged. It is essential that the committee of Congress proposed under my resolution be vested with due authority to collect and compile all information extant, in order that the way may be paved, not only for the introduction and passage of an old-age pension bill, but to insure the framing of a fair and humane constitutional law, in harmony with the spirit of our governmental system.

Newspapers and magazines are generally approving this idea and can do much to assist in the passage of this resolution, and I therefore urge your cooperation to the end that a fair hearing may be had at an early date.

All great projects and interests have their representatives and spokesmen, but this humane policy has remained almost devoid of prosecution or defense. Still we are indebted to a few in this country for able and fearless discussion of this matter, and it is now time that the public interest be awakened to action and response.

I would be glad to have your views on the mere proposal of investigation of old-age pension systems. I would like to have your early response to this appeal to assist such cause. If you can in any manner, through the local press or your Representative in Washington, help raise this now rudimentary question to a living issue, you will, I believe, contribute much to the amelioration of one cause of human misery.

Very respectfully,

F. LUNDIN,
Member of Congress, Seventh District, Illinois.

Mr. Speaker, the response to this letter has been generous and commendatory. I have received answers from all classes of our citizens—men in all walks of life—and in order that the Members of this House and the country may know that many of our thoughtful men have, and are now, giving this subject much consideration, I submit herewith a few of the thousands of communications which I have received:

COLORADO FREE EMPLOYMENT OFFICE,
Denver, February 9, 1910.

Hon. FREDERICK LUNDIN, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: I am in receipt of your circular letter together with copy of H. Res. No. 57 and the resolution pertaining thereto as passed by the Illinois legislature.

In this office I have an exceptional opportunity of studying the necessity of this Nation taking up this matter and pushing it to a successful conclusion. Numbers of worthy old men are constantly applying for employment at this office, and in but a very few instances can I find it for them. Some other disposition should be made of these old workers than the public poor farms. They have earned the right to be taken care of in their old age.

I am heartily in sympathy with you in this noble work, and feel sure that should your efforts be successful, that you will achieve lasting fame and the heartfelt gratitude of the laboring classes of this Nation.

The congressional delegation from Colorado will be with you, I am sure, but should you need any assistance from the Representatives of this State I will take pleasure in doing my utmost to see that you get it.

Very truly, yours,

R. E. CROSKY,
1515 Larimer Street, Denver.

CHICAGO, March 14, 1910.

Hon. FREDERICK LUNDIN, M. C.

DEAR SIR: Yours of the 12th inst. received in regard to the old-age pension system and its contents noted.

Will say that I have always been in favor of some such form of old age protection. Considering this subject from the point of view of a man whom fortune has not especially favored, and who must, through early training, follow his trade, though degenerate it may be, as to remuneration, a day may possibly come when one may be entirely shut off from the privilege of work. To every thoughtful man naturally

this problem sometimes presents itself. Must one then, when old age has called and made himself at home, be made to feel like a beggar, be obliged to live in a house among past idlers, past spendthrifts, or probably past criminals, or on some other form of charity, there to await the timely arrival of the last caller? Should this great country, with its wise lawmakers, its noble institutions of learning, its great industrial enterprises, allow conditions to exist by which the last possible reward of a lifelong model workman, who has been sober and industrious, and has spent his very last cent for his family and for his children to make them good citizens to be—the almshouse? Is it fair that such may be the possible reward for enriching some of the great and prosperous citizens and society in general by the brow and strength and manhood of an active life? And this when our social system has just allowed him a fair living in return.

Believe me, Mr. LUNDIN, you are on the right track. I can not tell you just how to accomplish this, but I for one see in the "old-age pension system" a great future institution which shall be a blessing to many.

Without going into any personalities, I may say that for the last ten years I have supported an elderly lady, now almost 80 years, and surely, if anyone is entitled to annuity from the Government, she is. She is the mother, grandmother, and great-grandmother of 21 good American citizens. She furnished one soldier for the Spanish-American war, one sailor for the battle ship *Olympia*, a wife for the writer. Still she is and always has been financially poor. Now, sir, there are many such men and women. Must these, though penniless through no fault of their own, be dependent in their old age on the charitable disposition of their children, or on the other hand must these considerate children, though not possessing more than their actual needs, repay a loan which society in general received years ago?

I personally trust you will not tire in your effort in behalf of the age, for "we all grow old in time."

Sir, I am yours, very truly,

A. F. NELSON,
7520 Ellis Avenue, Chicago.

DES PLAINES PUBLIC SCHOOLS,
Des Plaines, Ill., March 21, 1910.

Hon. FREDERICK LUNDIN, Washington, D. C.

MY DEAR SIR: I am in receipt of your able presentation of the old-age pension discussion, now surely one of the leading questions before an enlightened people. I have read and studied your papers with care, also a number of articles from very able writers, and am in full sympathy with the movement.

It seems to me that the placing of old-age insurance, old-age pensions and annuities under governmental control is one of the sanest propositions ever presented to our people.

It is taking largely that, now under local control (where graft in the financial management and where abuse is too often practiced upon those under care), and placing it upon a permanent basis under wise control where its future work must stand the searchlight of all nations. I believe that we may, by taking the best parts from old-age pension laws now in operation and by placing proper restrictions about them, arrive at a system less expensive and more humane than that now practiced under our present local systems.

I am, yours, with regards,

W. DON SMITH, Superintendent.

UNITED MINE WORKERS OF AMERICA,
Indianapolis, Ind., February 8, 1910.

Hon. F. LUNDIN, Washington, D. C.

DEAR SIR: Your favor of recent date with a copy of Resolution No. 57 offered by you in the Sixty-first Congress at hand. From a careful perusal of the same, I must say that I am in hearty accord with you on this question. I fully agree with your views in every particular and there is no good reason why the resolution should not be adopted and eventually a bill crystallized into law, providing for old-age pensions for our citizens. Of course, you may reasonably expect that such an innovation will meet with more or less opposition from the moneyed interests of the country, but I am sure that if the matter was properly understood there would be very little antagonism to the adoption of such a law. Society bears the burdens of caring for our old people without any resources of their own at the present time, indirectly. A law embodying the features expressed in your circular would be more preferable than the present methods of dealing with this question. The beneficiaries would feel that they were receiving that which would be due them, while the present methods of dispensing charity are somewhat repugnant to their sense of honor. An old-age pension would remove such objectionable features.

Expressing the hope that your efforts will be crowned with success and thanking you for the interest manifested in this cause of humanity, I am,

Very truly, yours,

EDWIN PERRY,
Secretary-Treasurer.

UNITED HATTERS OF AMERICA, LOCAL UNION No. 9,
Chicago, March 13, 1910.

Hon. F. LUNDIN, Washington, D. C.

DEAR SIR: Have just received a copy of your resolution presented to Congress relating to age pensions and would like to say that I and the organization I represent fully agree with you "that the soldier of peace should be given the same grateful recognition as the soldier of war" for his lifetime of work for the good of all.

And we heartily indorse your efforts to make this the law of the land.

Yours, respectfully,

JAMES LOUGHRIDGE, Secretary.

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA, LOCAL UNION No. 58,
Chicago, March 12, 1910.

Hon. F. LUNDIN, M. C.

DEAR SIR: In reply to your communication of recent date in regard to old-age pension, will say that in my opinion the same should be adopted at once. And I assure you that you have the indorsement of Local 58, U. B., on this proposition, and as secretary of said organization will do all in my power to aid you in this or all legislation for the poor. Wishing you success in this matter, I remain,

Yours, truly,

H. M. KUTH,
Recording Secretary, Local 58.

MILWAUKEE, Wis., February 9, 1910.

Hon. FRED. LUNDIN, Washington, D. C.

DEAR SIR: With great interest I have read your argument on old-age pensions and I am heartily in favor of the subject matter. I am glad you have made a start in this direction. Others I have noted are also agitating for old-age pensions. Above all, I hope that Congress will approve of your resolution and have the committee start something practical. With best wishes, I am,

Yours, truly,

FRED BROCKHAUSEN,
Secy. Treas. Wis. State Fed. of Labor.

To the Hon. Mr. F. LUNDIN, M. C.,
Washington, D. C.

DEAR SIR: Your communication of the 3d instant, wherein you request my opinion regarding a "bill" introduced by you in the House of Representatives creating an old-age pension commission, is at hand and contents noted.

The matter of providing for worthy, indigent old people is an object of national importance and deserves the most careful consideration.

In my calling—that of a physician in general practice forty odd years—I have come in contact with various classes of people, more especially with those of the so-called middle classes, such as mechanics, laborers, etc., and I have found it to be a frequent occurrence to meet with aged persons more or less destitute.

As a rule they had been sober, honest, hard-working men and women, rearing large families of children. These were now grown and had families of their own with all they could do to take care of themselves.

For years these old men had been steadily employed, but now they were too old and younger hands had taken their places.

They had been prudent and in order to provide for the old age they had put their savings in a bank, but some day they found the doors of the bank closed and the money saved gone.

Others had put their savings in an insurance company and the first thing they knew was that the insurance company failed and their savings gone. Or the expense of keeping up the insurance became so heavy that they had to give it up.

Sickness in the family, misfortunes of various kinds so reduce them that they became destitute.

After having given from forty to fifty years of their lives to hard and productive labor, it would seem almost cruel to suffer them to become a burden upon their friends, if they had any, or upon the community during the few years yet allotted them.

The fairness as well as justice of providing for old, aged workmen has been recognized and appreciated by several of the larger corporations, who have pensioned their old employees.

For these and various other reasons that may be given I am fully persuaded that some provision for old age should be made, and it is my candid opinion that "the bill creating a commission" with this object in view is both timely and proper.

Respectfully,

NILES T. QUALES, M. D.

THE CHARTERED SOCIETY OF AMALGAMATED
LACE OPERATIVES OF AMERICA,
HEADQUARTERS OF THE EXECUTIVE BOARD,
Philadelphia, Pa., March 17, 1910.

Hon. FREDERICK LUNDIN.

DEAR SIR: I am in receipt of your interesting letter containing statistics relative to the subject of old-age pension systems, and after a careful perusal of same desire to say the object in view meets with my hearty approval.

Realizing for years the humane principles involved in such a system, this society (in the absence of governmental legislation relative to the subject) have been and are now at work on a plan whereby our members at least will have no dread of poverty in their declining years.

Our plan, of course, is yet in embryo form and will be given a prominent place on the agenda of our next convention, which takes place in Philadelphia, May 2, 1910. I can not conceive how anyone could intelligently oppose such a grand movement, and wish you bountiful success in your efforts. With best wishes, and soliciting any further information on the subject, I am,

Sincerely, yours,

GEORGE J. RAISER,
General Secretary.

INTERNATIONAL UNION OF SLATE WORKERS,
OFFICE OF INTERNATIONAL SECRETARY,
Pen Argyl, Pa., February 11, 1910.

Mr. FREDERICK LUNDIN,
Washington, D. C.

DEAR SIR: I have your favor of the 7th, and I have noted contents of same with great care. In reply I wish to say that I heartily approve of such a system of old-age pensions. I think it is something that should have been adopted many years ago in this country. If it has been successful in Germany and England, and we know it certainly has, it will surely be a great benefit to the great masses of working people in this country. I think the Hon. A. Mitchell Palmer, who is our Congressman from this district, will heartily support such a measure when it comes before the House for action.

Hoping you will be successful in passing such a worthy measure to humanity, I desire to remain,

THOS. H. PALMER,
International Secretary.

AMALGAMATED SOCIETY OF CARPENTERS AND JOINERS,
UNITED STATES DISTRICT OFFICE,
New York, March 16, 1910.

Hon. FREDERICK LUNDIN,
Seventh District, Illinois.

DEAR SIR: Your communication of recent date inclosing a copy of the resolution as submitted by you in the House of Representatives, April 9, 1909, came to hand in due course, and I desire to express my highest appreciation of your efforts in prosecuting a plan whereby an old-age pension system may be developed in the United States, and hope that your plan of investigation may be rewarded with success.

I might say, as secretary of the above union, that this old-age pension is one of our beneficiary features, and was embodied in our constitution at the inauguration of our organization, in 1860, and during the last year we paid to our superannuated members in the United States alone no less than seven thousand six hundred and forty-nine dollars and seventy-three cents (\$7,649.73), and having realized the benefit that it

is to our old and infirm members, I think you can fully understand my appreciation of your effort to have this old-age pension system become national in scope.

I desire to inform you that up to December, 1908, our organization has paid out no less a sum than two million one hundred and eight thousand three hundred and five dollars (\$2,108,305) in superannuation benefits. I am not in a position to give you the total amount up to December, 1909, for the simple reason our annual report is not complete until April. Trusting this will meet with your approbation, I am, yours, respectfully,

THOS. ATKINSON, U. S. D. Secy.

P. S. Our organization is international and has branches throughout Great Britain, Ireland, Canada, South Africa, New Zealand, and Australia.

AMERICAN BROTHERHOOD OF CEMENT WORKERS,
San Francisco, Cal., March 18, 1910.

Hon. FREDERICK LUNDIN, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: I am in receipt of copy of resolution which you have presented to Congress in regard to pension for old people. I note that the European countries have done this for their aged people, and I see no reason why it could not be accomplished in our progressive country.

I am pleased to note the spirit you have manifested in trying to establish a law which would alleviate the suffering of our aged people. Wishing you every success, I remain, respectfully,

HENRY ULLNER,
General Secretary-Treasurer,
American Brotherhood of Cement Workers.

CHICAGO, March 13, 1910.

Mr. F. LUNDIN,
House of Representatives, Washington, D. C.

DEAR SIR: I received your communication with reference to old-age pensions, and I take great pleasure in writing to you my hearty endorsement of such a bill.

Such a measure should be acted on as soon as possible, and should be made as broad as possible. It would be a good thing to have such a law enacted, that would insure something in the way of an income for the worthy aged, and better still if a clause could be inserted so that men and women at 50 years of age could contribute a certain amount monthly until the age of 65 and then insure a larger income for the declining years.

I am very glad, indeed, to find a Representative from the State of Illinois, who is acting in this matter, and I wish you godspeed in your endeavors.

Yours, sincerely,

JAS. W. MATHIESON,
146 West Sixty-sixth Street.

CIRCUIT COURT OF COOK COUNTY,
Chicago, June 20, 1910.

Hon. FREDERICK LUNDIN,
Washington, D. C.

MY DEAR CONGRESSMAN: I have read with great interest your letter in reference to old-age pensions. The subject is one that the American people must face in the near future, if they expect to keep up with the march of nations toward a better condition of things.

The almost brutal way in which this country is relegating to enforced idleness its citizens over 50 years of age is causing the thoughtful well wishers of the Republic to view with grave apprehensions the old-age problem, and such a resolution as you presented to Congress is timely and needed and will be appreciated in the days to come.

Please keep me posted on the progress of your work.

Sincerely, yours,

KICKHAM SCANLAN, Judge.

ST. LUKE'S CATHEDRAL,
Orlando, Fla., June 11, 1910.

Hon. FREDERICK LUNDIN,
Washington, D. C.

MY DEAR SIR: A copy of your House Resolution No. 57, to create an old-age pension commission, has come under my notice, and I take an early opportunity of writing you that from a clergyman's standpoint I hope the resolution will pass. Old-age pensions are now paid in many countries, and this great country of ours can not afford to isolate itself from the trend of modern political thought and progress.

As I understand it, your resolution seeks at present only an inquiry into the methods of other nations in this particular, with a view of obtaining sufficient information on which to base action in the future.

No clergyman who has had to deal with the deserving poor and destitute can doubt, it seems to me, that definite methods of relief must be adopted to meet the changing and increasing conditions of the needy.

Assuring you that if I can be of any service in this important matter, you have only to command me.

I am, very truly, yours,

LUCIEN ALLEN SPENCER.

Also a resolution adopted by the Illinois house of representatives, the state senate concurring therein:

STATE OF ILLINOIS, Department of State.

To all to whom these presents shall come, greeting:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the following is a true copy of house joint resolution No. 22 of the forty-sixth general assembly of the State of Illinois, filed April 28, 1909:

Whereas there has been introduced in the House of Representatives in Congress by Congressman FREDERICK LUNDIN, of Illinois, a resolution authorizing and directing the Speaker of the House of Representatives to appoint a select committee consisting of seven (7) Members of the said House to investigate and to determine the various systems of old-age insurance, old-age pension, and annuities that are now in operation in the different countries of the world and the practicability of establishing such systems in the United States, and said committee is to report not later than January 12, 1911, the result of such investigation, setting forth the plan of operation in countries having such institutions, the cost to such countries of maintaining the system and the benefits derived from it, and

Whereas this question has been successfully solved in other countries and to a great degree has abolished alms and homes for the poor and

needy and caused this class of citizens to be happier in the communities where they reside: Therefore, be it

Resolved by the house of representatives (the senate concurring therein), That the Members of Congress representing this State be, and they are respectfully requested, to do all in their power to see that the said resolution is adopted; and be it further

Resolved, That a copy of this resolution be forwarded immediately by the secretary of state to each Representative in Congress from this State.

Adopted by the house April 22, 1909.

Concurred in by the senate April 27, 1909.

(The original of which is now on file and a matter of record in this office.)

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State. Done at the city of Springfield this 1st day of May, A. D. 1909.

[SEAL.]

JAMES A. ROSE, Secretary of State.

Mr. Speaker, this investigation I consider to be necessary and of great consequence to this country. All of the great nations except ours are engaged in solving the question of reducing poverty, and particularly poverty in old age, and the issue will press upon us, and we must be prepared to meet it, and to meet it with that thoroughness and practicability and fairness of judgment with which we have met all great questions in the past. From this investigation should come a report dealing in the minutest detail with all the systems of this kind that are in operation or under consideration, with the costs of maintaining same. The conditions of poverty in other countries as compared with conditions here, and the benefits proposed or resulting, as well as the objections raised or sustained by such systems, should be carefully gathered and set forth.

The old-age pension movement has absorbed the interest of political parties, statesmen, economists, and social reformers from time to time in different parts of the world for the past twenty-five years. Briefly outlined, the general plans have included the formulating and sustaining of a system for relieving the poverty of the aged by providing them with some permanent and regular stipend sufficiently adequate to maintain existence, but not adequate to make effort for self-support unnecessary, or not to call for assistance from relatives or friends, if such is available. It is the idea to furnish this protection from actual want in such a way and upon such a broad basis that any idea of charitable aid will be disassociated with it.

Many serious difficulties are connected with the solving of this great question, and one of the first natural inquiries is the cost.

The latest information which I am able to obtain on the subject of cost is published in the Report of the Commission on Old-Age Pensions, Annuities, and Insurance, January 10, 1910, by the Commonwealth of Massachusetts. Of course this refers to the cost in the State of Massachusetts only; nevertheless, it gives us a fair idea, taking population into consideration:

1. The number of persons 65 years of age and over who were cared for in almshouses during the year September 1, 1908, to September 1, 1909, as enumerated in this investigation, was 3,480. This number is the net total of the almshouse population for the year; that is, it includes all inmates on September 1, 1908, and all persons admitted during the twelve months following, exclusive of cases of transfer and readmission. The average weekly per capita cost of maintenance in the almshouses is estimated at \$3.83. This estimate is based on the figure of \$3.06, given as the average weekly cost per capita of almshouse support in the report of the state board of charity for 1909, with an additional per capita amount of 77 cents, representing an allowance of 5 per cent for interest and depreciation on the capital invested in almshouse plants. The total cost of maintaining the 3,480 almshouse inmates 65 years of age and over, at \$3.83 per capita, as thus estimated, was \$693,076.80.

The number of inmates 70 years of age and over was 2,204; the total cost of maintenance was \$438,948.64.

2. The number of persons 65 years of age and over supported in benevolent institutions maintained by private charity during the year September 1, 1908, to September 1, 1909, was 2,598. This figure is the net total of the population in benevolent homes, as obtained by the same method as that followed in enumerating the almshouse population. The average weekly per capita cost of maintenance in benevolent homes was \$5.80, including an allowance of 5 per cent on the capital invested in the institutions. The total cost of supporting the 2,598 inmates, at \$5.80 per capita, was \$783,556.80.

The number of inmates 70 years of age and over was 1,960; the total cost of maintenance was \$591,136.

3. The number of persons 65 years of age and over who received public outdoor relief from State, city, or town during the year September 1, 1908, to September 1, 1909, as enumerated in the investigation, was 3,075. The average weekly per capita amount of such relief is given in the report of the state board of charity for 1909 as \$1. On the basis of that figure, the total expenditure for public outdoor relief of persons 65 years of age and over during the year was \$189,900. This amount does not include an allowance for the cost of administration.

The number of persons 70 years of age and over who received public outdoor relief during the year was 2,082; the total amount expended on this class was \$108,264.

It may be noted here that the number of aged persons given public relief outside of institutions is less than that of the aged almshouse inmates. The net total of the almshouse population 65 years of age and over is 3,480, while the number of the noninstitutional public poor is 3,075. In the general pauper population the persons partially supported outside of institutions greatly outnumber the almshouse inmates. The reason for the comparatively small number of aged persons in the noninstitutional group is doubtless to be found in the fact that old men and women who are given public relief are usually of necessity sent to the almshouse. Comparatively less aid in the home is given

to the aged than to the younger dependents on public relief. Thus the aged institutional paupers outnumber the aged outdoor poor.

4. The number of persons 65 years of age and over who received private outdoor relief, through charitable institutions and organizations, during the year September 1, 1908, to September 1, 1909, is estimated at 2,312. This estimate is obtained on the basis of the assumption that the number of persons receiving private outdoor relief bears the same ratio to the number of persons cared for in benevolent institutions that the number of recipients of public outdoor relief bears to the number of inmates of almshouses. It was impossible, for reasons elsewhere stated, to make a complete enumeration of all persons receiving aid in their homes through agencies of private charity. The persons receiving public outdoor relief, however, were enumerated fully, as were the inmates of pauper and benevolent institutions. From these data an estimate could be made of the number of persons 65 years of age and over in receipt of private outdoor relief. The average per capita amount expended weekly in private outdoor relief was \$2.67, as shown by the returns for 444 cases enumerated in this investigation. The total amount expended during the year for the relief of the 2,312 persons 65 years of age and over, at \$2.67 per capita, was \$320,998.08.

The number of persons 70 years of age and over who received private outdoor relief was 1,550; the total amount of such relief was \$215,202.

In the public-charity service in my own county in Illinois there was spent in outdoor relief in 1907 \$86,302.43 among 24,120 persons. In the poorhouse the average cost for the year for the maintenance of the inmates and employees was \$124.72 per person, a neat sum for a public pension according to the comparisons with other countries of the world having such a system.

Mr. Speaker, one of the greatest arguments against old-age pensions is that independence and thrift become negligible quantities in life. This is a question upon which all can not be convinced alike. The temperate nature will at once believe that security afforded to old age will stimulate all the forces of individuality to the greatest advantage. But many more probably feel to the contrary. Let us not theorize on what may happen when we have a guide to help us in things as they are actually done.

Mr. Charles Edward Russell, who has been abroad studying this movement, asserts that one of the greatest burdens is fear. There are many varieties of fear, one of the most pernicious in its results being fear of poverty. How much greater must be the fear of destitution. Poverty is a lack of things. Destitution is a lack of everything. Yet even the fear of complete destitution is not the real cause of people saving, and I doubt if the assurance of a pension in old age is sufficient to depreciate very much the great volume of savings of the people in the banks of the United States and elsewhere. People in a majority of cases only save against a fear of poverty or destitution indirectly. There is usually a specific object for savings, and the incentive is strong according to the object to be attained. It is for a home or household goods or clothing or travel or for capital in business that people save. These things are desired in the visions of hope, not of fear, in the thought of independence, not of dependence, and are the main causes for thrift among people.

Yet the great fight of life is against poverty, broadly speaking. For riches men will beg, cheat, steal, rob, assault, and murder fellow-beings in some form or another. We do not, however, want to hamper in the least honest opportunities for worldly gain or to dampen the ardor of men to strive for wealth. Wealth is responsible for much of human happiness. We can not expect to abolish misery which is incident to human nature and consequent upon circumstances, surroundings, and influences; but we can try to create conditions which will make the opportunity for all people to be free from the crushing fear of poverty and to curtail the vulturesome activities of some greed and place the strife for wealth upon more moral and more honorable grounds. When the fear of poverty is made harmless it will no longer be necessary to do outrageous things to avoid it.

Mr. Russell has well said, "If there is a hell on earth, it is the poorhouse."

The prisoner in the penitentiary is housed and clothed and fed at public expense, and he at least knows that he is expiating a wrong against society; but the inhabitant of the almshouse is almost equally branded and condemned, not because he has committed a crime or disobeyed a law, but only because he has failed to lay by enough to support him in his declining years. His fate is as bad as the criminal's, yet what has he done to earn it? We will say that thrift and economy should have been practiced so that in old age a competence would be available. This is sound and practical, but unsound and impractical when we must judge the future by the past. The thousands who are employed in their active years, at living wages only, do not save. They work conscientiously, raise a family, and in their struggle to achieve the best that is in store for them live up to every available means in paying the costs of living of the times. The day comes when they can work no more. Sixty-

five years of age comes and the worker is tired, weak, worn-out, unable to compete with the more perfect energy and nerve of the younger man.

As Richard Washburn Child has recently written: "Old age is not abnormal, but it is the cause of more helplessness than anything in life save infancy."

Mechanical machinery is protected by a fund for depreciation, but human machinery is protected against nothing—neither wear nor tear, nor humiliation nor death.

All the great countries of the world either have been or are now recognizing the right of respectable people who have reached the age of 65 or more, but who are unable to continue in the fierce struggle for existence with their younger and stronger competitors, to have support from the public revenues as a right and privilege of citizenship.

Old age is under a more severe handicap in the present day than ever before. Modern life is lived under a greater strain, and the inclination is to cast aside the old. Not only is business conducted faster and greater than heretofore, but it is subject to more varied evolutions and changes, and strong, active men, in the full of life, are necessary to keep pace with modern methods.

Civilization no doubt gains by this, but age is discounted far below its actual worth.

Modern mechanism is doing more things daily, and handicraft is fast becoming a thing of the past.

If it can be fairly shown that pensions would have no adverse effect on work, wages, thrift, self-respect, and energy, and if it can be shown that by this system the problem of pauperism can be reduced and simplified, and that the financial difficulties involved are not insurmountable, then this investigation will be worth while.

I realize from remarks uttered on the floor of this House by many Members that there is considerable opposition to the creating of commissions. Nevertheless, we find that many commissions are authorized each session of Congress. In my judgment, there has never been a commission authorized for a better purpose. It is of vital importance to our Government to know whether or not a system of pensioning the aged is possible, and as an economic question if it would not be a saving to the taxpayers of the country by adopting such a system.

Mr. Speaker, in conclusion I wish to repeat that in my judgment an investigation by a committee authorized by this House will prove economic in the end. The elimination of the poorhouse as a factor in human life has met with success in nearly all of the great nations of the world. It may prove a failure here, but we, as the Representatives of the people of the United States, have no moral right to assume that it will be a failure when we have no accurate information upon the subject. There is but one way by which Members of Congress and the people can obtain all the information pertaining to this subject, and that is by the adoption of House resolution 57, which authorizes the appointment of a committee whose duty it will be to make this investigation thorough and complete.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 26987) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. WARREN, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 2250) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURROWS, Mr. DEFEW, and Mr. BAILEY as the conferees on the part of the Senate.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 22231. An act granting to the city of Hot Springs, Ark., land for street purposes;

H. R. 23217. An act repealing part of the act of March 5, 1910, relating to an increase of pension to Jacob Whitlock;

H. R. 4093. An act for the relief of the owners of the American schooner *Wilson and Hunting* and cargo;

H. R. 20277. An act for the relief of pilot boat *Lady Mine*; and

H. R. 20554. An act authorizing the Secretary of the Interior to issue patent to Fred G. Smith and Lula Smith, minor heirs of George Smith, deceased, for the title in fee to the east half of the northwest quarter and the east half of the southwest quarter of section 7, township 24 north, range 13 west, sixth principal meridian, in the State of Nebraska, entered as a homestead by said deceased.

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. 8661. An act for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes.

SITTING OF COMMITTEE DURING RECESS.

Mr. OLCOTT. Mr. Speaker, as chairman of the select committee under House resolution 543, I offer the following resolution.

The SPEAKER. The Clerk will report the resolution. The Clerk read as follows:

House resolution 834.

Resolved, That the select committee appointed by the Speaker March 30, 1910, under House resolution No. 543, be, and it is hereby, authorized to sit during the recess, and that the Speaker of the House is authorized to issue subpoenas to witnesses during the recess of Congress upon the request of the committee in the same manner as during the session.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Is that the Steenerson committee?

Mr. OLCOTT. That is the Steenerson committee.

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

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

ALLOTMENTS OF DECEASED INDIANS.

Mr. BURKE of South Dakota. Mr. Speaker, I now renew my request of this morning that the bill (H. R. 24992) to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes, be taken from the Speaker's table, the Senate amendments disagreed to, and a conference asked for.

The SPEAKER. The gentleman from South Dakota makes a motion to disagree to the Senate amendment and asks for a conference. Is there objection?

There was no objection.

The Speaker announced the following conferees: Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas.

BRIDGE ACROSS ST. MARYS RIVER.

The SPEAKER laid before the House the bill (H. R. 26349) to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across the St. Marys River, with a Senate amendment, which was read.

Mr. MANN. Mr. Speaker, that is a Senate amendment to a bridge bill that is carried by a bridge bill already reported and on the House Calendar. I move to concur in the Senate amendment.

The motion was agreed to.

Mr. MANN. I ask to have the bill on the House Calendar corresponding to that laid on the table.

The SPEAKER. Without objection, that will be agreed to. There was no objection.

ADDITIONAL CLERKS TO COMMITTEE ON ENROLLED BILLS.

Mr. BARTLETT of Georgia. Mr. Speaker, I make the following report (No. 1709) from the Committee on Accounts.

The Clerk read as follows:

House resolution 833, in lieu of House resolution 796.

Resolved, That there shall be paid out of the contingent fund of the House for the service of two additional clerks to the Committee on Enrolled Bills during the remainder of the present session, compensation at the rate of \$6 per day.

Mr. BARTLETT of Georgia. This is the usual resolution passed at this time in the session for these clerks to be appointed for this brief time during the remainder of the session.

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

BINDING OF DOCUMENTS.

Mr. FINLEY. Mr. Speaker, I call up as a privileged bill the Senate bill 7661. (Report No. 1711.)

The Clerk read as follows:

A bill (S. 7661) to amend section 54 of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, as amended by public resolution No. 36, approved June 30, 1902.

Be it enacted, etc., That that part of section 54 of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, which reads as follows: "The remainder of said documents and reports shall be reserved by the Public Printer in unstitched form, and shall be held subject to be

bound in the number provided by law, upon orders from the Vice-President, Senators, Representatives, Delegates, Secretary of the Senate, and Clerk of the House, in such binding as they shall select, except full morocco or calf; and when not called for and delivered within two years after printing shall be delivered in unbound form to the superintendent of documents for distribution," as amended by public resolution No. 36, approved June 30, 1902, is hereby repealed, to take effect at the close of the second session of the Sixty-first Congress, and the reserved documents and reports therein provided shall thereafter not be printed: *Provided*, That nothing herein shall operate to abridge in any way the right of the Vice-President, Senators, Representatives, Delegates, Resident Commissioners, Secretary of the Senate, and Clerk of the House to have bound in half morocco, or material not more expensive, one copy of every public document to which he may be entitled.

Mr. MANN. Reserving the point of order, I would like to ask what this does. It is matter of interest to every Member of this House.

Mr. FINLEY. I do not think, Mr. Speaker, that a point of order would lie against the bill, for the reason that the bill is privileged under the rule. The purpose of the bill is to correct a long-standing abuse, and one that has grown up in reference to binding what is known as the reserved documents. After two years the reserved documents are then bound, and this binding has increased from year to year until it has reached very large and unreasonable proportions. The Joint Commission on Printing, who have charge of the investigation of matters relating to printing and bringing about such reforms as are necessary, have concluded that this is one of the items that should be corrected by law. Under the law a Member of Congress has the right to have one copy of each document bound; but in recent years a practice has grown up of binding other reserve documents, so that in reserved documents of 1904 the binding was \$47,668; in 1905, \$46,076.75; in 1906, \$73,422.50; and in 1907, \$124,989.35, and so on.

Now, these reserve documents that were bound in these years cost thousands of dollars more than was necessary.

Mr. MANN. The gentleman says it was unnecessary. Members of Congress ordered them bound, did they not? Does the gentleman presume to say that he knows better than a Member of Congress does whether the binding should be done?

Mr. FINLEY. The law provides that after two years the Public Printer is compelled to bind these documents.

Mr. MANN. Oh, not at all.

Mr. FINLEY. But that is the law.

Mr. MANN. Not at all; it never has been done.

Mr. FINLEY. It has been done.

Mr. MANN. Oh, the gentleman is mistaken; it never has been done.

Mr. FINLEY. Section 54—

Mr. MANN. It never has been done, unless the Member ordered it.

Mr. FINLEY. Section 54 provides:

The remainder of said documents and reports shall be reserved by the Public Printer in unstitched form, and shall be held subject to be bound in the number provided by law upon orders from the Vice-President, Senators, Representatives, Delegates, Secretary of the Senate, and Clerk of the House, in such binding as they shall select, except full morocco or calf; and when not called for and delivered within two years after printing shall be delivered in unbound form to the superintendent of documents for distribution. All of the "usual number" shall be printed at one time.

That is what the statute says—

Mr. MANN. It has never been done; they are never bound unless they are ordered bound. I know of no law to the contrary. It has not been the practice. I have not examined the law lately, but I do not think it has been done.

Mr. FINLEY (continuing the reading):

That hereafter the documents reserved for binding upon orders of Senators, Representatives, Delegates, and officers of Congress, as provided in paragraph 6, section 54, of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, if not called for and delivered within two years after printing, shall be bound in first grades of cloth and delivered to the superintendent of documents for distribution to libraries; and the Public Printer is hereby authorized and directed to bind in cloth all such documents heretofore delivered to the superintendent of documents for like distribution.

Mr. MANN. Is that the amendment of two years ago?

Mr. FINLEY. No; this is the act of June 30, 1902.

Mr. MANN. That has never been followed.

Mr. FINLEY. It has been followed in practice, I will say to the gentleman from Illinois.

Mr. MANN. It never has been done.

Mr. FINLEY. But it has been done. The gentleman from Illinois is making an assertion against the facts. Here is an abuse that has grown up, that has cost this Government about \$75,000 a year of an unnecessary expense. Nothing in this bill prevents a Member of Congress from having his documents bound in any style of binding he may see fit under the law, but here is an abuse that we wish to correct. The Committee on Printing has investigated this matter and the bill has passed the Senate. Now we bring the bill before the House and ask the House to pass it in order that this \$75,000 a year

may be saved. The report on the bill in both House and Senate fully explains the abuses sought to be corrected.

Mr. MANN. The practice used to be for the clerks in the document room to make out a printed list of the valuable documents, and the documents on that list were ordered bound. Then there were in addition the reserve volumes kept in the Government Printing Office, which a Member could have bound if he gave the Printing Office an order for it. They have abandoned making out that list in the document room, and now a Member can not get anything bound unless he makes a special order for it, or unless he orders his reserve bound. I do not know how many there are, but not so many as the gentleman thinks. I, for one, have my reserves bound for distribution to libraries and other institutions of that kind, and I see no objection to it. A Member is not required to do it, and they are not bound unless the Member orders them bound.

Mr. FINLEY. Those which are reserved in unstitched form are bound in cloth.

Mr. MANN. If they are bound they are sent to the superintendent of documents for sale. No Member here has ever received those documents in cloth.

Mr. COOPER of Pennsylvania. Let me suggest to the gentleman from Illinois that the superintendent of documents recommends this.

Mr. MANN. The superintendent of documents probably is very anxious to escape work, but he is not interested in Members of Congress.

Mr. COOPER of Pennsylvania. Would the gentleman like to know what he has to say about it?

Mr. MANN. I do not care anything about what he says about it, but I have no objection, if the gentleman wants to read it.

Mr. COOPER of Pennsylvania. It is only for the purpose of giving the House the facts about the case. He says:

Over two-thirds of the documents and reports published every year have departmental editions, from which editions the demand is supplied, leaving practically no demand at all for the copies which we may receive as a reserve remainder several years after their publication.

Now, it is this abuse that has grown up of binding everything automatically after the two years have elapsed that is causing this great expense. That has been stimulated by people who have gone out and advertised it. One year it ran that expense up to \$124,000. Last year it was down to the sum of only four hundred and some odd dollars. There is nothing in this amendment to the law that prevents each Member getting his copies bound the same as he always has. It relates only to these unstitched copies for which there is no demand, and which the law now requires after two years to be bound whether there is any demand for them or not. By and by a good part of them are sold as waste paper. This will result in a saving of about \$75,000 a year to the Government, and we think we ought to save that money if we can.

Mr. FINLEY. Mr. Speaker, I call for a vote.

Mr. MANN. I make the point of order that the Committee on Printing is only authorized to bring in privileged reports on matters referred to it on printing for the use of the House or the two Houses. This printing which is referred to is for the use of Members of the House and ex-Members of the House, and is in no wise for the use of the House or of the two Houses. These reserves remain to the credit of a Member or ex-Member of Congress for two years, and this is not printing for the House. The law provides that this goes to the Member or ex-Member. It is not like an order for printing for the use of the House. I do not make the point of order that it relates to binding, although the rule refers only to printing and not binding.

Mr. FINLEY. Mr. Speaker, I ask for a vote on the bill. It is in the line of economy, and the gentleman from Illinois is one of the greatest economists in the House.

Mr. MANN. You amended this two years ago in the closing hours, and you said it was perfect. Nobody knows what this does.

The SPEAKER. The Chair is inclined to think that the point of order is not well taken. Whether it refers to printing for the House or Senate, or members of the House or Senate, the Chair would not be inclined to draw the line quite as strictly as the gentleman from Illinois suggests by his point of order. Therefore the Chair overrules the point of order.

Mr. FINLEY. I ask for a vote.

Mr. STAFFORD. Will the gentleman explain what the bill is?

Mr. FINLEY. It simply refers to the reserve documents, so as not to have more bound than necessary. It will not affect any Member of Congress, I assure the gentleman.

The SPEAKER. If there be no objection, the bill will be considered as read a third time and passed.

Mr. MANN. I object.

The SPEAKER. The question is on the third reading of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN. Division!

The House divided; and there were 121 ayes and 21 noes.

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

Mr. COLE. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend remarks in the RECORD. Is there objection?

There was no objection.

ISSUE OF A PATENT TO CITY OF ANADARKO, OKLA.

Mr. CAMPBELL. Mr. Speaker, I call up the conference report on the bill (H. R. 18978) to authorize the Secretary of the Interior to issue a patent to the city of Anadarko, State of Oklahoma, for a tract of land, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

There was no objection.

[For conference report and statement see proceedings of the House of June 20, 1910.]

Mr. CAMPBELL. Mr. Speaker, I yield ten minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this was a bill which the House passed authorizing the Secretary of the Interior to issue a patent to the city of Anadarko, Okla., for a small tract of land and for other purposes. The bill passed the House by unanimous consent, a simple little bill providing for the sale to the city of Anadarko of a small tract of land for a park and other public purposes in Oklahoma. The Senate added on a provision which the conferees have reported favorably, as follows:

SEC. 3. That an appeal to the Supreme Court of the United States in all suits affecting the allotted lands within the eastern district of Oklahoma, or on demurrers in such suits appealed to the United States circuit court of appeals, eighth circuit, is hereby authorized to be made by any of the parties thereto, including appeals from orders reversing judgments of the trial court.

Mr. Speaker, if it shall become the practice of this House when it passes bills by unanimous consent relating to a small piece of land for the benefit of a particular city that the Senate shall be allowed to add general legislation, to be agreed to by the conferees, I can assure the House that as long as I remain a Member there will be mighty few bills of that kind passed by unanimous consent. It has been customary for the House, when it permitted practically a private bill to pass by unanimous consent, to consider that that bill should not be amended by any general legislation in the Senate. Here is a bill of no interest to anyone when it passed the House except the city of Anadarko, which city wanted to buy a small piece of land from the Government, and the Government was willing to sell it. It passed by unanimous consent because no one was opposed to it; but it comes to us with a legislative provision as to appeals in all land cases in that district in Oklahoma, providing for appeals on demurrers to the Supreme Court of the United States.

Now, unless some good reason can be given for it, I say that it ought not to be tolerated. No one would watch for a provision of this sort on a bill entitled:

To authorize the Secretary of the Interior to issue a patent to the city of Anadarko, in the State of Oklahoma, for a tract of land, and for other purposes.

The "for other purposes" in the bill was for the purpose of providing for appraisalment. It was not intended when they got the title that the other purposes there were to provide for something in the way of general legislation that no one in either body of Congress knew anything about. It may be that the gentleman can give a reasonable explanation of this, but certainly it requires explanation. I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, the House conferees opposed any general legislation on this bill, but the Senate conferees insisted upon this one amendment. This relates to appeals from the United States circuit court in the eighth circuit growing out of sales of restricted lands in eastern Oklahoma. There are about 30,000 properties involved. The United States brought suits to set aside these leases growing out of the restricted lands in the Choctaw and Chickasaw country. Some of the grantees filed demurrers to the jurisdiction of the court, and the court sustained the demurrers on the ground that the United States no longer had an interest in the matter.

Mr. COOPER of Wisconsin. Will the gentleman permit a suggestion?

Mr. CAMPBELL. Yes.

Mr. COOPER of Wisconsin. I believe in some of the States there is a constitutional provision which would make that law unconstitutional, inasmuch as the title would not inform any reader as to the subject-matter. Therefore, anybody interested

in the subject-matter of the litigation would get no notice of what could be done under that bill by reading the title. It ought not to be passed in that form.

Mr. KENDALL. Mr. Speaker, I want to inquire of the gentleman from Kansas what possible relation there can be between the appeals that are provided for in the Senate amendment and the bill passing this House under the arrangement suggested by the gentleman from Illinois [Mr. MANN]?

Mr. CAMPBELL. None whatever. It was the contention of the House conferees.

Mr. KENDALL. For the House to accept the amendment proposed by the Senate? Does not the gentleman think a proposition of that character ought to go to the Committee on the Judiciary, to be considered there before it is accepted by the House?

Mr. MANN. I might say that it is in another bill that has just gone into conference—the omnibus Indian bill.

Mr. KENDALL. Which item?

Mr. MANN. The same provision; and I think it is proper in that bill.

Mr. KENDALL. The appeal provision?

Mr. MANN. I think it is proper for consideration in the omnibus Indian bill that just went to conference.

Mr. CAMPBELL. Those who live there want these titles settled, and the only way to get them settled is to have the matter adjudicated in the Supreme Court. The nisi prius court sustained the demurrer, the circuit court of appeals by a divided court overruled the court below. The only way now to have the matter settled to the satisfaction of all those people down there is to have an appeal to the Supreme Court, and for that reason the matter was tacked onto this bill.

Mr. STAFFORD. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. STAFFORD. Were the conferees acquainted with the fact that the same provision which is being debated here was embodied in the omnibus Indian bill?

Mr. CAMPBELL. I am informed it is in the omnibus bill, which has just gone to conference.

Mr. STAFFORD. Were the conferees aware of that fact?

Mr. CAMPBELL. No; it was just put in to-day.

Mr. SULZER. Does not the gentleman think that the amendment ought to go out of this bill? It is very bad legislation and ought not to be in the bill.

Mr. CAMPBELL. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Chairman.

The House divided, and there were—ayes 71, noes 30.

So the conference report was agreed to.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 8 o'clock this evening.

COTTON FUTURES.

Mr. DALZELL. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. Does the gentleman from New York [Mr. PAYNE] withhold his motion?

Mr. PAYNE. I yield to the gentleman from Pennsylvania [Mr. DALZELL].

The SPEAKER. The gentleman from Pennsylvania, from the Committee on Rules, offers a privileged report (No. 1713), which the Clerk will read.

The Clerk read as follows:

House resolution 836, in lieu of House resolution 589.

Resolved, That immediately on the adoption of this resolution it shall be in order to proceed to the consideration of H. R. 24073 (a bill to prohibit interference with commerce, etc.). One hour shall be allowed for general debate, one-half thereof to be controlled by the chairman of the Committee on Agriculture and one-half by the senior minority member of said committee. Three hours shall be allowed for consideration of the bill as under the five-minute rule. At the end of this time, unless sooner concluded, the previous question shall be considered as ordered on the bill and amendments, if any, to final passage.

This rule shall not interfere with conference reports or the postal savings depositories bill.

Leave to print on the subject of the bill is granted for five legislative days after the passage of the bill in the House.

Mr. DALZELL. Mr. Speaker, the resolution proposes to bring before the House for consideration what is popularly known as the cotton antioption bill. The provision is for four hours' consideration—one hour of general debate and three hours' debate under the five-minute rule. At the end of that time the previous question is to be considered as ordered and the vote taken.

Mr. MANN. Is the bill to be considered in the House or in Committee of the Whole?

Mr. DALZELL. It is to be considered in the House. It is not a bill that goes to the Committee of the Whole. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD], after which I will move the previous question.

Mr. CLARK of Missouri. I promised to yield to the gentleman from Georgia [Mr. BARTLETT].

Mr. PAYNE. Then we better take a recess. I renew my motion.

Mr. BARTLETT of Georgia. I waive it.

Mr. UNDERWOOD. Mr. Speaker, the resolution (H. Res. 836) reported by the Rules Committee provides for the consideration of H. R. 24073, a bill to prohibit interference with commerce, and known as the Scott antigambling bill. The resolution provides for the consideration of the bill for one hour under general debate and three hours under the five-minute rule when the bill is subject to amendment. This resolution was reported by the committee with the understanding that it met with the approval of those gentlemen in the House who are for the bill and those who are against it.

In my judgment the bill should be considered before Congress adjourns. It is one of the most important bills to a large number of people of the United States that has come before this session of Congress for consideration. It is not only a measure that seeks to work out a reformation along economic lines, but there is involved in the consideration of the question a great moral issue.

A number of years ago the Federal Government prohibited the use of the mails for the transmission of lottery tickets, and the effect of that legislation was to destroy one of the greatest gambling enterprises that the world has ever known, the Louisiana Lottery Company. That legislation proved effective and met with the hearty approval of the moral sentiment of the country. The bill brought up for consideration by this resolution does not prohibit the legitimate sale of cotton in the exchanges of the country where there is an actual purchase or an actual delivery of the cotton sold; it merely attempts to prohibit the speculation in cotton futures where no actual delivery is intended and where the result of the transaction is solely gambling in cotton futures.

Prior to the year 1907 the New York Cotton Exchange published statistics relating to the buying and selling of cotton futures on that exchange, and there was sold at that time on this exchange 100,000,000 bales of cotton a year. The greatest cotton crop that this country has ever made amounted to a little over 13,000,000 bales, and the average cotton crop in the country will not exceed 12,000,000 bales of cotton. The statistics show that for the year 1906-7 37 per cent of the cotton raised in this country was used in the home market and 63 per cent was shipped abroad. In an average crop the home consumption does not amount to more than 4,800,000 bales. It is therefore conclusively shown that on this one exchange twenty times as much cotton was bought and sold as was used in this country. It is contended by those who favor the continuation of the sale of cotton futures on the cotton exchanges of the country that it is necessary for the mill owners to buy for future delivery in order to hedge against the uncertainties of the future market price in order that they can make their contracts, but it is seen it would not be necessary for them to hedge for more than the entire amount of the cotton consumed by the manufacturers of the country, which under no circumstances exceeds 5,000,000 bales; but the bill does not prohibit the purchase of cotton for future delivery, so that if the mill owner desires to make his purchase of cotton on the exchanges before the cotton crop is actually gathered, if it is a bone fide transaction for legitimate purposes, there is nothing in the bill that will prevent him from doing so.

The statistics show that the amount of cotton received in New York City for the year 1902-3 amounted to 57,577 bales; for the year 1903-4 to 45,123 bales; for the year 1904-5 to 33,798 bales; for the year 1905-6 to 6,575 bales; for the year 1906-7 to 23,118 bales. The average for these five years amounts to about 34,000 bales that were handled in New York City, but the transactions on the New York Cotton Exchange amount to 100,000,000 bales. It seems to me conclusively shown from these figures that the transactions on the New York Cotton Exchange were practically all gambling transactions and not in the interest of legitimate business. There was a time after the New York Cotton Exchange was organized, in 1870, when there was a legitimate cotton market in New York, and the transactions on the New York Cotton Exchange were in the main actual sales of cotton, but the through bill of lading destroyed the New York cotton market. It costs \$1.50 a bale to store cotton in New York City, and when the mill man in the East could buy his cotton in the South and ship it directly to his mill on the through bill of lading he was unwilling to pay the cost of storage and additional handling charges that would

be assessed against the cotton if he purchased it in New York City. The result was that the legitimate sale of cotton in New York has practically ceased, and the New York Cotton Exchange has been forced by these conditions to deal in future sales for gambling purposes or go out of business. It often occurs that spot cotton in the South at the railroad stations sells for as much as 1 cent a pound higher than the price of cotton on the exchange in New York, which is conclusive that the prices on the New York exchange are not governed by the law of supply and demand, but the illegitimate operations of the bulls and bears on the exchanges.

The cotton crop is one of the greatest agricultural products of our country. It brings more gold back into the country than any other commodity that we export. The South is largely dependent on it for its prosperity. To me it appears absolutely immoral and unjust to allow an organization to continue the business of gambling in cotton futures and through their manipulations to seriously affect the price of this great agricultural product by manipulations that are not dependent upon the law of supply and demand, but largely upon the amount of money that the bear side of the market may control one day or the bull side control the next.

There is no exchange for the sale of pig iron in the United States, and yet every morning you can take up a daily paper and know what is the price of pig iron in the different markets in the United States. There is no exchange for the sale of wool in the country, and yet the daily papers give you the price of wool all over the world every morning. Cotton quotations could be obtained the same way were the exchanges entirely abolished, but, as I said before, this bill does not seek to destroy the cotton exchange that is doing a legitimate business and where cotton is actually bought and sold, but only seeks to prevent the gambling in future cotton. The price of any commodity should be fixed by the buyer and seller. It is not fair to have it fixed by men on an exchange that are not interested in the product itself in any way.

I therefore believe that it is entirely proper for the Government of the United States to prohibit the interstate use of the mail, telegraph wires, and the telephone wires to persons gambling in this great agricultural product to the material detriment of the people who produce and the people who use it. I am therefore earnestly in favor of the passage of the bill.

Mr. DALZELL. Mr. Speaker, I ask for the previous question. The previous question was ordered.

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

ENROLLED BILLS AND RESOLUTIONS SIGNED.

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

H. R. 4093. An act for the relief of the owners of the American schooner *Wilson and Hunting* and cargo;

H. R. 22231. An act granting to the city of Hot Springs, Ark., land for street purposes;

H. R. 20554. An act authorizing the Secretary of the Interior to issue patent to Fred G. Smith and Lulu Smith, minor heirs of George Smith, deceased, for the title in fee to the east half of the northwest quarter and the east half of the southwest quarter of section 7, township 24 north, range 13 west, sixth principal meridian, in the State of Nebraska, entered as a homestead by said deceased;

H. R. 23217. An act repealing part of the act of March 5, 1910, relating to an increase of pension to Jacob Whitlock;

H. R. 19499. An act for the relief of George Drake and Lillie Nelson;

H. R. 20148. An act to provide for an additional judge of the district court for the eastern district of New York;

H. R. 12434. An act to make uniform the salaries of the United States district attorneys and marshals in Texas;

H. R. 21090. An act authorizing the President of the United States to appoint Commander Kenneth McAlpine a commander in the navy on the active list;

H. R. 23311. An act making appropriation for the naval service for the fiscal year ending June 30, 1911, and for other purposes;

H. R. 17664. An act authorizing patents to be issued to the equitable claimants of certain lands therein described;

H. R. 20367. An act providing for an increase of salary for the United States marshal for the eastern district of Louisiana;

H. R. 25560. An act authorizing the Bowling Green and Northern Railroad Company to bridge Green and Barren rivers;

H. R. 21124. An act to provide for an investigation of the surveys by which the southern boundary line of the State of

Alabama, between ranges 4 and 14 east of the St. Stephens meridian, in Escambia County, was fixed, and for a report thereon;

H. J. Res. 164. Joint resolution construing section 6 of the act of May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes;" and

H. J. Res. 229. Joint resolution authorizing the Secretary of War to loan certain tents, cots, and stretchers for the use of the Benevolent and Protective Order of Elks, at Detroit, Mich., in July, 1910.

The Speaker announced his signature to enrolled bill of the following title:

S. 5876. An act to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of 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. 8661. An act for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes—to the Committee on Indian Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. R. 21124. An act to provide for an investigation of the surveys by which the southern boundary line of the State of Alabama, between ranges 4 and 14 east of the St. Stephens meridian, in Escambia County, was fixed, and for a report thereon;

H. R. 17664. An act authorizing patents to be issued to the equitable claimants of certain lands therein described;

H. R. 20367. An act providing for an increase of salary for the United States marshal for the eastern district of Louisiana;

H. R. 25560. An act authorizing the Bowling Green and Northern Railroad Company to bridge Green and Barren rivers;

H. R. 23311. An act making appropriations for the naval service for the year ending June 30, 1911, and for other purposes;

H. J. Res. 229. Joint resolution authorizing the Secretary of War to loan certain tents, cots, and stretchers for the use of the Benevolent and Protective Order of Elks, at Detroit, Mich., in July, 1910; and

H. J. Res. 232. Joint resolution creating a commission to represent the United States at the celebration of the first centennial of the Republic of Mexico.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 10 o'clock to-morrow morning.

Mr. CLARK of Missouri. I thought that the gentleman told me that we were going to take a recess until 8 o'clock.

Mr. PAYNE. I did say that I intended to make that motion, but so many exhausted men have come to me and asked to take a recess until to-morrow, that I make that motion.

The SPEAKER. The gentleman from New York moves to take a recess until 10 o'clock to-morrow morning.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HENRY of Texas. Division, Mr. Speaker.

The House divided; and there were—ayes 130, noes 19.

So the motion was agreed to.

And, accordingly (at 5 o'clock and 18 minutes p. m.), the House was declared to be in recess until to-morrow, Friday, June 24, at 10 o'clock a. m.

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. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 9137) to appropriate the sum of \$30,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, reported the same with amendment, accompanied by a report (No. 1705), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WEEKS, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 8242)

to meet unusual conditions in the postal service, and for other purposes, reported the same with amendment, accompanied by a report (No. 1708), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON, from the Committee on the Library, to which was referred the bill of the House (H. R. 12369) for the erection of a monument to commemorate the battle historically known as the battle of the Monongahela, commonly known as Braddock's defeat, reported the same with amendment, accompanied by a report (No. 1710), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS of Illinois, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 17759) to promote the efficiency of the naval militia, and for other purposes, reported the same with amendment, accompanied by a report (No. 1712), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Labor, to which was referred the joint resolution of the House (H. J. Res. 143) in reference to the employment of enlisted men in competition with local civilians, reported the same without amendment, accompanied by a report (No. 1703), which said joint resolution and report were referred to the House Calendar.

Mr. SHEFFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4306) to make October 12 in each year a public holiday, to be called Columbus Day, reported the same with amendment, accompanied by a report (No. 1704), 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. 1707), which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 24368) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, reported the same without amendment, accompanied by a report (No. 1706), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. WANGER: A bill (H. R. 27139) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes"—to the Committee on Interstate and Foreign Commerce.

By Mr. BORLAND: A bill (H. R. 27140) establishing a standard gauge for sheet and plate iron and steel—to the Committee on Interstate and Foreign Commerce.

By Mr. NELSON (by request): A bill (H. R. 27141) to regulate commerce among the several States and with foreign countries in certain cases—to the Committee on the Judiciary.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 27142) for the relief of the Ottawa and Chippewa tribes of Indians in the State of Michigan—to the Committee on Claims.

By Mr. POINDEXTER: A bill (H. R. 27143) to erect a monument to mark the site of the battle between United States troops and hostile Indians May 17, 1858, at a point near the present town of Rosalia, in the State of Washington—to the Committee on Military Affairs.

By Mr. KELIHER: A bill (H. R. 27144) to authorize the Secretary of Commerce and Labor to exchange the site of the proposed immigration station at Boston, Mass., in his discretion—to the Committee on Immigration and Naturalization.

By Mr. LAW: A bill (H. R. 27145) to provide for the erection of a monument to the memory of Hiram Cronk, the last soldier of the war of 1812—to the Committee on the Library.

By Mr. AUSTIN: A bill (H. R. 27146) to fix the compensation of the surveyor of customs at Knoxville, Tenn.—to the Committee on Expenditures in the Treasury Department.

By Mr. MCKINNEY: A bill (H. R. 27147) to regulate savings departments in national banks—to the Committee on Banking and Currency.

By Mr. CREAGER: A bill (H. R. 27148) making appropriation to pay certain claims of the Delaware Indians—to the Committee on Claims.

By Mr. SCOTT: Resolution (H. Res. 832) authorizing printing for the use of the Committee on Agriculture of 2,000 additional copies of the hearings—to the Committee on Printing.

By Mr. OLMSTED: Resolution (H. Res. 835) to investigate sale and lease of Philippine lands—to the Committee on Insular Affairs.

By Mr. BORLAND: Joint resolution (H. J. Res. 236) making the act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," apply to the graves of four young women prisoners killed at Kansas City, Mo., August 13, 1863—to the Committee on Military Affairs.

By Mr. SHERLEY: Concurrent resolution (H. C. Res. 51) providing for the printing of 30,000 copies of document on United States bankruptcy law, etc.—to the Committee on Printing.

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 New York: A bill (H. R. 27149) granting a pension to Cecilia Cox—to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 27150) granting an increase of pension to Franklin H. Gibens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27151) granting an increase of pension to Helen Longley—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 27152) granting an increase of pension to James S. Shoppard—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 27153) for the relief of J. Kennard & Sons' Carpet Company, of St. Louis, Mo.—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 27154) granting an increase of pension to Owen Taylor—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 27155) granting an increase of pension to John D. Hamersley—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 27156) granting an increase of pension to Sallie R. Stotler—to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 27157) granting an increase of pension to Abram G. Jackson—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 27158) granting an increase of pension to Frances M. Heins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27159) granting an increase of pension to Lyman J. Robinson—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 27160) granting a pension to Margaret Walsh—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 27161) granting an increase of pension to William L. Lodge—to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 27162) granting an increase of pension to William Dickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27163) granting an increase of pension to James Anderson—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 27164) for the relief of George W. Little—to the Committee on Military Affairs.

By Mr. LOWDEN: A bill (H. R. 27165) granting an increase of pension to George E. Schumaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27166) granting an increase of pension to Corwin A. Belknap—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 27167) granting an increase of pension to Jefferson Woods—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 27168) granting an increase of pension to James H. Post—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27169) granting an increase of pension to James F. Lapham—to the Committee on Invalid Pensions.

By Mr. POINDEXTER: A bill (H. R. 27170) granting an increase of pension to Edward Corselius—to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 27171) granting an increase of pension to Mary E. Johnson—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: Petition of citizens of San Francisco, for immediate decision as to location of the Panama exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of American Federation of Arts, favoring legislation for the improvement of Washington City—to the Committee on the Library.

By Mr. ANDERSON: Petition of Duke C. Bowers, of Memphis, Tenn., for House bill 26541—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bills for relief of Thomas B. Holt and George W. Taylor—to the Committee on Invalid Pensions.

By Mr. CARY: Petition of Woman's Literary Club of Milwaukee, Wis., for an investigation of dairy products—to the Committee on Agriculture.

By Mr. CLARK of Florida: Petition of Cumberland Sound Lodge, No. 303, Brotherhood of Railway Conductors of America, Jacksonville, Fla., against legislation prohibiting advertising in trades-union journals—to the Committee on the Post-Office and Post-Roads.

Also, petition urging passage of House bill 24561—to the Committee on Agriculture.

By Mr. FORNES: Petition of Lawrence Diemer and Arthur E. Cousins, against Hughes amendment to sundry civil bill exempting labor organizations from operation of the Sherman antitrust law—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Hamilton Club, of Chicago, Ill., for adequate appropriation to complete irrigation purposes—to the Committee on Appropriations.

By Mr. HAMILL: Petition of Merchants' Protective Association, for House bill 23098—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Sterling-Meaker Company and the Novelty Candy and Chocolate Company, favoring New Orleans as site of Panama exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Thomas Nolan, for House bill 22066, boiler-inspection bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Independent Telephone Association, making American telephone and telegraph amenable to the Sherman law—to the Committee on Interstate and Foreign Commerce.

Also, petition of International Association of Machinists, for battle-ship construction in government navy-yards—to the Committee on Naval Affairs.

Also, petition of J. Edward Mastin & Co., favoring conservative action relative to railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of the Evangelical Lutheran Church of Weehawken, N. J., urging action on House bill 21836—to the Committee on the Merchant Marine and Fisheries.

By Mr. LAW: Petition of memorial and executive committee of the Grand Army of the Republic, of Kings County, N. Y., against retention of the Lee statue in Statuary Hall—to the Committee on the Library.

By Mr. McCALL: Petition of Massachusetts Medical Society, for a national bureau of health—to the Committee on Interstate and Foreign Commerce.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Jefferson Woods—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: Papers to accompany bills for relief of Sarah A. Phillips and Flora A. Williams—to the Committee on Invalid Pensions.

By Mr. SULZER: Paper to accompany bill for relief of E. S. Dancy—to the Committee on War Claims.

Also, petition of National Liberal Immigration League, of New York, for improvement in effectiveness of operation of naturalization court—to the Committee on Immigration and Naturalization.

Also, petition of Duke C. Bowers, of Memphis, Tenn., for Senate bill 8503 and House bill 26541—to the Committee on Interstate and Foreign Commerce.

SENATE.

[Continuation of legislative day of Thursday, June 23, 1910.]

FRIDAY, June 24, 1910.

The Senate reassembled at 10 o'clock a. m., at the expiration of the recess.

INTERNATIONAL CONGRESS OF REFRIGERATION.

Mr. CULLOM. I ask unanimous consent to introduce a joint resolution and have it put on its passage. It will not take a minute. I think there is no opposition to it.

The VICE-PRESIDENT. There is an order existing—

Mr. CULLOM. I understand. I ask that further proceedings under the call of the Senate be dispensed with.

The VICE-PRESIDENT. Without objection, on the request of the Senator from Illinois, the order directing the Sergeant-at-Arms to request the attendance of absent Senators will be canceled. The Senator from Illinois introduces a joint resolution for which he asks present consideration. It will be read at length.

The joint resolution (S. J. Res. 119) authorizing the President of the United States to invite the International Congress of Refrigeration to hold its third meeting in the United States of America, was read the first time by its title, and the second time at length, as follows:

Senate joint resolution 119.

Resolved, etc., That the President of the United States be, and is hereby, authorized to invite the International Congress of Refrigeration, now about to assemble in the city of Vienna, to hold its third meeting in the United States of America: *Provided, however,* That no appropriation shall be asked or granted for any expense connected with said congress.

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

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

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

SILETZ INDIAN RESERVATION LANDS.

Mr. CHAMBERLAIN. There is a little House bill on the calendar which I should like to call up. It will take only about a minute to dispose of it. I ask unanimous consent for the present consideration of the bill (H. R. 18376) directing that patents issue to certain settlers for lands within the former Siletz Indian Reservation in Oregon.

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 a third reading, read the third time, and passed.

RAILROAD ON ISLAND OF HAWAII.

Mr. DEPEW. I ask for the immediate consideration of the bill (H. R. 22635) to ratify an act of the legislature of the Territory of Hawaii authorizing W. A. Wall, his associates and assigns, to construct and operate a railroad on the island of Hawaii, Territory of Hawaii. There is necessity for immediate action on the bill.

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 a third reading, read the third time, and passed.

The VICE-PRESIDENT. The Committee on Pacific Islands and Porto Rico reports to strike out the preamble. Without objection, the preamble will be stricken out.

FRANK E. LYMAN, JR.

Mr. WARREN. I ask consent to call up a very short bill, the bill (H. R. 3346) for the relief of Frank E. Lyman, jr. There is a special reason for asking that it be taken up now.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to summon Frank E. Lyman, jr., late first lieutenant, Signal Corps, United States Army, before a retiring board, to inquire whether at the date of his resignation, accepted to take effect March 25, 1904, he was incapacitated for active service and whether such incapacity was the result of an incident of service; and upon the results of the inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, Frank E. Lyman, jr., a first lieutenant, Signal Corps, United States Army, and to place him upon the retired list of the army.

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