By Mr. MADISON: A bill (H. R. 26858) granting an increase of pension to John H. Wheat—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 26859) granting an increase of pension to Calvin J. Bear—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 26860) granting an increase of pension to Joseph C. Watson—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 26861) granting an increase of pension to John C. Chalker—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 26862) for the relief of the legal representatives of the firm of Levert & Mastin, late of Mobile, Ala.—to the Committee on War Claims.

By Mr. WASHBURN: A bill (H. R. 26863) granting an increase of pension to John E. Pharnes—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 26864) for the relief of the heirs of Martin L. Fisher—to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 26865) granting an increase of pension to George W. Bowdish—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. BENNET of New York: Paper to accompany bill for relief of Charles L. Colt—to the Committee on Invalid Pensions.

By Mr. COOK: Petition of Philadelphia Lodge, No. 159, of the International Association of Machinists, for battle-ship building in government navy-yards—to the Committee on NavalAffairs.

By Mr. DICKSON of Mississippi: Paper to accompany bill for relief of Louis Summers—to the Committee on War Claims.

By Mr. FOWLER: Petition of Woman's Home Missionary Society, Westfield Auxiliary, against House bill 24879—to the Committee on the District of Columbia.

Also, petition of Moravian Grange, No. 187, Patrons of Husbandry, of Hope, N. J., for Senate bill 5842—to the Committee on Agriculture.

Also, petitions of boards of education of Elizabeth and Morristown, N. J., for extension of field work of the Bureau of Education—to the Committee on Education.

Also, petition of citizens of Plainfield, N. J., for suppression of the white-slave traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Royal Mantel and Furniture Company, of Rockford, Ill., for the Currier bill (H. R. 24649) to provide additional protection to owners of patents—to the Committee on Patents.

Also, petition of Local Union No. 294, International Molders' Union of North America, of Rockford, Ill., for construction of one battle ship in government navy-yard—to the Committee on Naval Affairs.

By Mr. GRAHAM of Pennsylvania: Petition of Pittsburg conference, Woman's Home Missionary Society of the Methodist Episcopal Church, against House bill 24879—to the Committee on the District of Columbia.

Also, petition of Twentieth Century Club, of Pittsburg, Pa., for congressional investigation of dairy products—to the Committee on Interstate and Foreign Commerce.

By Mr. GRONNA: Petition of North Dakota State League of Postmasters, relative to insufficient allowance for rent and clerk hire, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Women's Study Club of Wimbleton, N. Dak., for investigation of methods of dairy industry—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMOND: Petition of St. James Council, No. 1672, Royal Arcanum, of St. James, Minn., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. MADISON: Petition of soldiers and citizens of Pratt County, Kans., favoring pension for Alvaso B. French—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: Paper to accompany bill for relief of John Lacross—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: Petition of the Lithographers' Association of Denver, Colo., signed by Fred T. Smith, recording secretary, praying for the removal of the tax on oleomargarine—to the Committee on Agriculture.

Also, petition from 18 members of Sable Grange, Patrons of Husbandry, of Denver, Colo., asking for the enactment of Senate bill 6931—to the Committee on Agriculture.

By Mr. WASHBURN: Paper to accompany bill for relief of John E. Pharnes—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 15, 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 the request of Mr. BRANDEGEE, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

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

Trustees of the German Reformed Church, of Boonsboro, Md., *v.* United States (S. Doc. No. 627).

Trustees of the Sons of Temperance, of Portsmouth, Va., *v.* United States (S. Doc. No. 626).

The vestry and wardens of the Episcopal Church of the parish of Christ Church, South Carolina *v.* United States (S. Doc. No. 625).

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25552) making appropriation for the sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had 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 agreed to the concurrent resolution of the Senate authorizing the enrolling clerk of the Senate to strike out and insert certain words in the enrollment of the bill (S. 538) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon.

ENROLLED BILLS SIGNED.

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

S. 1021. An act providing for the retirement of certain medical officers of the army;

S. 3082. An act for the relief of Elizabeth G. Martin;

S. 4473. An act for the relief of Rasmus K. Hafsos;

S. 6073. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

S. 7229. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 1386. An act to correct the naval record of James C. Johnson;

H. R. 2272. An act for the relief of John A. Brown;

H. R. 2518. An act for the relief of Garland & Bergh;

H. R. 10132. An act granting certain land to the town of Yuma, in the Territory of Arizona;

H. R. 11763. An act for the relief of George Harraldson;

H. R. 17871. An act to amend an act entitled "An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia," approved February 25, 1831;

H. R. 22643. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes;

H. R. 23427. An act to authorize the Indiana Steel Company to construct two bridges across the Grand Calumet River in the State of Indiana;

H. R. 24274. An act to appropriate the sum of $200 for Fenton T. Ross, of Loudoun County, Va., whose horse was permanently injured by employees of the Agricultural Department in making experiments authorized by law;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H. R. 24723. An act granting permission to the city and county of San Francisco, Cal., to operate a pumping station on the Fort Mason Military Reservation, in California; and

H. R. 24877. An act to authorize additional aids to navigation in the Light-House Establishment, and to provide for a bureau of light-houses in the Department of Commerce and Labor, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry citizens of Rockford, Ill., 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.

He also presented petitions of Amalgamated Association of Iron, Steel, and Tin Workers of America, of Moline, East St. Louis, and Irondale, all in the State of Illinois, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MCENERY. I present a telegram in the nature of a concurrent resolution adopted by the legislature of Louisiana, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to the printed in the RECORD, as follows:

BATON ROUGE, LA., *June 14, 1910.*

Hon. S. D. MCENERY,
Senate Annex, Washington, D. C.:

Legislature has adopted the following concurrent resolution:

"*Be it resolved by the house of representatives of the State of Louisiana (the senate concurring therein)*, That, whereas over 10,000,000 acres of the most fertile lands of the State of Louisiana are not in a state of cultivation on account of the lack of drainage, they being either swamp or marsh lands; and

"Whereas the citizens of the State of Louisiana, through their legislature, enacted comprehensive drainage laws with a view of draining the swamp and marsh lands of the State of Louisiana and placing them in cultivation; and

"Whereas, in order to do so, it becomes necessary to drain the water from the said lands into navigable streams in the State of Louisiana which are under the direct and exclusive control of the National Government; and

"Whereas it is imperatively necessary that said navigable streams should be improved for the purpose of putting them in such condition as to promptly carry off the waters drained from the lands herein above mentioned; and

"Whereas, in order to do this work, it becomes necessary to have preliminary surveys and estimates made: Therefore be it

"*Resolved by the general assembly of the State of Louisiana*, That the Congress of the United States be, and is hereby, memorialized to at the present session of Congress make such appropriations as may be necessary for the purpose of making preliminary surveys in the State of Louisiana and for the purpose of determining the carrying capacity of said streams, with a view of ultimately improving said streams so as to carry off the waters to be drained from the lowlands of the State, and so that they may properly perform the very important functions which they will have to in the elaborate drainage plan of the State of Louisiana; that this request is not made upon Congress for the purpose of having the National Government drain the lowlands of Louisiana, but to have the Government prepare the streams under its immediate jurisdiction to perform the functions required of them in carrying off the waters that must be necessarily emptied therein; that without the prompt and proper improvement of said navigable streams by the National Government the people of the State of Louisiana will be greatly hampered and delayed in carrying out their proposed system of drainage."

J. Y. SANDERS, *Governor.*

Mr. PILES presented a petition of Happy Valley Grange, No. 322, Patrons of Husbandry, of Redmond, 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. HEYBURN presented a petition of the Trades and Labor Council of Pocatello, Idaho, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. GUGGENHEIM presented a memorial of the Collins Wireless Society, D. C. Chapter, No. 1, of Denver, Colo., remonstrating against the enactment of legislation proposing to create any kind of trust or special privileges in wireless telegraphy, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Cumberland Lodge, No. 1, Amalgamated Association of Iron, Steel and Tin Workers of America, of Valley Falls, R. I., 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.

Mr. PAGE presented a petition of sundry citizens of St. Johnsbury, Vt., 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.

He also presented a petition of Fairfield Grange, No. 442, Patrons of Husbandry, of Fairfield, Vt., praying for the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BRISTOW presented a petition of the Women's Christian Temperance Union, of Lucas, Kans., praying for the passage of the so-called "white-slave traffic bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ottawa, Kans., 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.

He also presented a petition of sundry citizens of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of Pawnee City, Nebr., remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

Mr. DOLLIVER. I present a memorial from the National Domestic Science Association on the bill (S. 4675) for disseminating knowledge on domestic science or home economics in secondary or higher schools. I move that the memorial be printed as a document and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred 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, reported it with amendments and submitted a report (No. 846) thereon.

Mr. JONES, from the Committee on Public Lands, to whom was referred the bill (S. 6422) authorizing the Commissioner of the General Land Office to turn over to the respective States the records and papers in private land claims in certain cases, reported it without amendment and submitted a report (No. 847) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 21090) authorizing the President of the United States to appoint Commander Kenneth McAlpine a commander in the navy on the active list, reported it without amendment and submitted a report (No. 849) thereon.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $5,000 to pay William M. Malloy for compiling Treaties, Conventions, International Acts, Protocols, and Agreements between the United States and Other Powers, 1776–1909, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and be printed, which was agreed to.

Mr. WARNER, from the Committee on Public Buildings and Grounds, reported an amendment proposing to appropriate $500 to pay John L. Steele for indexing and extra services as clerk to the Senate Committee on Public Buildings and Grounds, and $250 to pay L. H. Landsittel for clerical services as assistant in indexing and other extra services to the Senate Committee on Public Buildings and Grounds, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and be printed, which was agreed to.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 987) for the relief of Florence Lambert reported it with an amendment and submitted a report (No. 848) thereon.

LANDS IN ANADARKO, OKLA.

Mr. CLAPP. I move that the Committee on Public Lands be discharged from the further consideration of 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 that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

WOMAN AND CHILD WORKERS.

Mr. SMOOT. From the Committee on Printing, I report a resolution, and I ask for its immediate consideration.

The resolution (S. Res. 259) was read as follows:

Senate resolution 259.

Resolved, That the complete report on the condition of woman and child wage-earners in the United States, transmitted and to be transmitted by the Secretary of Commerce and Labor in response to the act approved January 29, 1907, entitled "An act to authorize the Secretary

of Commerce and Labor to report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States," be printed as a public document.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. BEVERIDGE. That includes the immediate printing of the partial report already sent in? It is not to be delayed for the rest?

Mr. SMOOT. It includes the printing of what has been sent to the Senate by the Secretary of the Department of Commerce and Labor, but, as the resolution shows, there are other reports coming in upon the same subject, and the Secretary desired that the resolution should be so framed that it would authorize the printing of those yet to come.

Mr. BEVERIDGE. That is true; but the only point I insist upon is that the partial report already in shall be printed at once.

Mr. SMOOT. It will be printed just as soon as the Public Printer can print it.

The resolution was agreed to.

COURTS IN CALIFORNIA.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 26318) establishing regular terms of United States circuit and district courts of the northern district of California at Sacramento, Cal., and of the southern division of the southern district of California at San Diego, Cal., to report it favorably without amendment. I call the attention of the junior Senator from California [Mr. FLINT] to the report.

Mr. FLINT. 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 IDAHO AND WYOMING.

Mr. HEYBURN. There is on the calendar a bill akin to the one the Senate has just acted upon. I ask unanimous consent for the present consideration of the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898.

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

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

Mr. PAYNTER. I ask for the present consideration of House bill 19402.

Mr. GALLINGER. Let us have the regular order.

The VICE-PRESIDENT. The regular order is demanded. If there are no further reports of committees, the introduction of bills is in order.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. BEVERIDGE:

A bill (S. 8698) granting an increase of pension to John A. McConnell; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 8699) to incorporate the McKinley National Memorial Association; to the Committee on the Judiciary.

By Mr. GALLINGER:

A bill (S. 8700) providing for the establishment of a public park in the District of Columbia; to the Committee on Public Buildings and Grounds.

A bill (S. 8701) for the relief of certain officers on the retired list of the United States Navy (with an accompanying paper); to the Committee on Naval Affairs.

By Mr. GORE:

A bill (S. 8702) for the relief of the heirs of Calep H. Stevens (with accompanying papers); to the Committee on Claims.

By Mr. McENERY:

A bill (S. 8703) for the relief of heirs or estate of Elizabeth M. Ingraham, deceased (with an accompanying paper);

A bill (S. 8704) for the relief of Mrs. Joseph Duhon (with an accompanying paper);

A bill (S. 8705) for the relief of heirs or estate of Charles Lesseps, deceased (with an accompanying paper);

A bill (S. 8706) for the relief of heirs or estate of Adolph Dupuy, deceased (with an accompanying paper);

A bill (S. 8707) for the relief of heirs or estate of Aymar Mouton, deceased (with an accompanying paper);

A bill (S. 8708) for the relief of John D. Olivier and estates of Adelaide and Prosper Olivier, deceased (with an accompanying paper);

A bill (S. 8709) or the relief of heirs or estate of Daniel Holliday, deceased (with an accompanying paper);

A bill (S. 8710) for the relief of Marie Alexander (with an accompanying paper); and

A bill (S. 8711) for the relief of heirs or estate of Paul Pitre, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 8712) for the relief of the heirs of David W. Knight, deceased (with an accompanying paper); and

A bill (S. 8713) for the relief of the McKendree Methodist Episcopal Church South, of Nashville, Tenn.; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 8714) for the relief of the Cameron Septic Tank Company (Incorporated); to the Committee on Claims.

By Mr. LODGE:

A bill (S. 8715) to permit William H. Moody, an associate justice of the Supreme Court of the United States, to retire; to the Committee on the Judiciary.

By Mr. PILES:

A bill (S. 8716) granting an increase of pension to Pedro B. de G. Fernandez (with accompanying papers); to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 8717) to regulate the loss indemnity for registered mail matter, and for other purposes; to the Committee on Post-Offices and Post-Roads.

By Mr. LODGE:

A joint resolution (S. J. Res. 110) creating a commission to represent the United States at the celebration of the first centennial of the Republic of Mexico; to the Committee on Foreign Relations.

By Mr. CURTIS:

A joint resolution (S. J. Res. 111) for the relief of Ira Haworth (with an accompanying paper); to the Committee on Public Lands.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. BROWN submitted an amendment proposing to appropriate $2,500 to pay Lee S. Warner for services in compiling and indexing testimony taken before the Committee on Indian Affairs, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $5,000 to pay the expense of appealing the case of the United States *v.* James P. Allen and others in the United States circuit court, eighth circuit, to the Supreme Court of the United States, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $20,000 for the expenses of the commission to attend the celebration of the centennial of the Republic of Mexico, to be held in the City of Mexico in September, 1910, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STONE submitted an amendment proposing to appropriate $360, to pay James F. Edwards, a Senate messenger, his salary, at the rate of $1,800 per annum, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. BULKELEY submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Appropriations and ordered to be printed.

MANUFACTURE AND SALE OF DRUGS.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (S. 1130) for preventing the manufacture, sale, or transportation of adulterated or misbranded paint, turpentine, or linseed oil, which was ordered to lie on the table and be printed.

MAN AND ABNORMAL MAN.

Mr. FRYE (by request) submitted the following resolution (S. Res. 260), which was referred to the Committee on Printing:

Senate resolution 260.

Resolved, That Senate Document No. 187, Fifty-eighth Congress, third session, entitled "Man and Abnormal Man," and Senate Document No. 532, Sixtieth Congress, first session, entitled "Juvenile Crime and Reformation," be reprinted as one document, with omissions and additions.

WITHDRAWAL OF PAPERS—CHARLES L. LAVINNE.

On motion of Mr. LODGE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of the bill S. 6844, Sixty-first Congress, second session, authorizing the President to appoint Charles L. Lavinne a second lieutenant, there having been no adverse report thereon.

WITHDRAWAL OF PAPERS—WILLIAM HERMAN.

On motion of Mr. LODGE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the memorial of William Herman, of Quincy, Mass., presented to the Senate April 28, 1910, remonstrating against the adoption of the labor clause in the naval appropriation bill relative to the building of battle ships.

PAPER ON DIRECT LEGISLATION.

Mr. OWEN. I ask to have printed as a Senate document two pamphlets in relation to direct legislation.

The VICE-PRESIDENT. Is there objection?

Mr. SMOOT. What are the documents?

Mr. OWEN. They are documents relating to direct legislation. They bear on the remarks I made in the Senate with regard to the election of Senators by direct vote of the people. I do not want to take the time of the Senate to read them.

Mr. SMOOT. Who is the author of the documents?

Mr. OWEN. The author of one is a professor of civil engineering at Harvard University and the other is published by the Direct Legislation League of the State of Washington.

The VICE-PRESIDENT. Without objection, the papers will be printed as a document (S. Doc. No. 624), as requested by the Senator from Oklahoma.

REPORT ON IMMIGRANTS IN INDUSTRIES.

Mr. LODGE. On behalf of the chairman of the Immigration Commission, I present the first section of a report of the commission to Congress on immigrants in industries. The Senator from Vermont [Mr. DILLINGHAM] is detained from the Chamber by illness. I therefore present this report in his behalf, and ask that it, together with the illustrations, be printed as a document and referred to the Committee on Immigration. (S. Doc. No. 633.)

The VICE-PRESIDENT. Without objection, it will be so ordered.

WAGES AND PRICES.

Mr. LODGE. I present a digest of recent foreign statistical publications relative to prices and wages and hours of labor in Austria, Belgium, Bulgaria, Finland, France, Italy, Norway, Sweden, and the United Kingdom. The digest is taken from bulletins of the United States Bureau of Labor. I move that it be printed as a Senate document and referred to the Select Committee on Wages and Prices of Commodities. (S. Doc. No. 631.)

The motion was agreed to.

Mr. LODGE. I present a statement on the cost of living of the working classes in the principal industrial towns of Great Britain, the German Empire, France, and Belgium. The statement is taken from bulletins of the United States Bureau of Labor. I move that it be printed as a Senate document and referred to the Select Committee on Wages and Prices of Commodities. (S. Doc. No. 629.)

The motion was agreed to.

Mr. LODGE. I present a statement on the wages and hours of labor of union carpenters in the United States and in English-speaking foreign countries during the first quarter of 1910. The statement is taken from Bulletin No. 87, March, 1910, of the United States Bureau of Labor. I move that it be printed as a Senate document and referred to the Select Committee on Wages and Prices of Commodities. (S. Doc. No. 630.)

The motion was agreed to.

SUNDRY CIVIL 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. 25552) making appropriation for the sundry civil expenses of the Government for the fiscal year ending June 30, 1911, 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. PERKINS, and Mr. CLAY the conferees on the part of the Senate.

COURT OF COMMERCE, ETC.

Mr. NEWLANDS. Mr. President, I offer for filing my dissenting statement as a conferee regarding the bill for the establishment of a commerce court. Such statement, pursuant to the order of yesterday, is to be printed in the RECORD. (S. Doc. No. 623, pt. 2.)

The VICE-PRESIDENT. The statement will be printed in the RECORD.

The statement is as follows:

IN THE SENATE OF THE UNITED STATES. REPORT OF CONFERENCE COMMITTEE—MINORITY STATEMENT OF FRANCIS G. NEWLANDS.

An act (H. R. 17536) 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.

I dissent from the conference report on the following grounds:

1. The conference was not a full and free conference. The conferees of both Houses were appointed June 7, and on June 10 I was appointed in the place of the Senator from Louisiana [Mr. FOSTER], who declined to serve. From the time of the appointment of the conferees until June 13 the conference was confined to the conferees belonging to the dominant party. During this time frequent and protracted conferences were held, and it was not until the latter date that the minority members were invited to participate, and they then learned that the conference report was substantially shaped. On the following day it was filed. Whilst there is no occasion for complaint of any discourtesy, this practice of partisan conference should be condemned. It is true that this has been customary with both parties regarding the tariff, but it is a pernicious practice, which ought to be restricted, not enlarged. It constitutes a denial of the rights of the minority. Its logical sequence would be the exclusion of the minority from participation, except in the most formal way, in committee deliberations or Senate debate. Full and free conference involves open-mindedness and equal participation. It is a perversion of the functions of the conference committee to confine its deliberations to a few, so that when full conference comes the views of the majority are crystallized.

2. The creation of a special commerce court at Washington which is likely to dwarf the Interstate Commerce Commission is objectionable. Under recent decisions the interposition of the courts in reviewing and enjoining the execution of the orders of the commission would be infrequent. The new court will have but little business, and will be unable to justify its existence unless it harbors cases that would not be considered by the circuit courts. The aim of our legislation should be to make the commission an administrative tribunal of great character, dignity, and power, and not to establish near it an overshadowing judicial tribunal whose only function is to review its orders and whose only hope of sufficient work to warrant its continued life will depend on welcoming the consideration of suits against the commission's orders.

In addition to this grave objection is the contention, equally vital, that to remove a judge of the circuit court of the United States from his office for five years, during which time he is deprived of the right to exercise the powers of a judge of the circuit court of the United States and required to exercise solely the duties of a judge of the commerce court, is a violation of his life tenure of office, and unconstitutional.

3. The substitution of the United States for the Interstate Commerce Commission as the defendant in suits brought to enjoin the enforcement of the orders of the commission and the control of the defense by the Attorney-General, instead of as hitherto by the commission itself, are also objectionable, notwithstanding the commission is permitted to intervene. The commission, as heretofore, should defend its own orders and should have, as heretofore, the aid of a body of lawyers trained as experts in transportation law, who will act under its direction. It should, of course, have the right to call the Attorney-General to its assistance, but a divided control and direction at the most vital stage of the commission's work may paralyze effective administration. Wherever litigation arises this bill puts the enforcement of the interstate-commerce act substantially in the hands of the Attorney-General. This will make

the Attorney-Generalship the prize of every national campaign. The defense of the commission's orders should be controlled by the commission, nonpartisan, nonpolitical, and deliberative in character, and not likely to be influenced by the mutations of politics. The enforcement of the antitrust act prior to the incumbency of the present Attorney-General halted for many years under the administrations of constantly changing Attorneys-General. The enforcement of the interstate-commerce act by a nonpartisan and continuous commission, with records, traditions, and precedents, has been growing constantly in strength, wisdom, and efficiency. It would be better to turn over the enforcement of both acts to the commission rather than leave either to drift under the direction of political administrations likely to be influenced at critical times by the exigencies of the campaign.

4. The conferees have accepted the House provision regarding the long-and-short-haul clause, which, whilst it provides that no greater charge shall be made for a shorter than for a longer haul over the same line, in a proviso authorizes the commission, after investigation, to prescribe the extent to which the common carrier may be relieved from the operation of this section. It is claimed by the advocates of the Senate provision that the House proviso, unlike the Senate's, does not establish a rule or standard for the commission's action, and therefore subjects the proviso to the charge of an unconstitutional delegation of legislative power.

5. It is to be regretted that the bill does not contain provisions for the valuation of railroads. The Supreme Court has declared that the fair value is to be considered as a factor in the determination of rates. The country will not rest content until full powers are given to the commission in this particular. The agitation is only delayed, not ended.

FRANCIS G. NEWLANDS,
Conferee on the part of the Senate.

MESA VERDE NATIONAL PARK.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of the bill (S. 8108) to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the Secretary of the Interior may, upon terms and conditions to be fixed by him, grant leases and permits for the use of the lands or development of the resources thereof in the Mesa Verde National Park, and the fund derived therefrom shall be covered into the Treasury of the United States as a special fund, which is hereby appropriated and may be expended, under the direction of the Secretary of the Interior, in the administration, protection, and improvement of the park and the ruins in the 5-mile strip south of the park, and the construction and improvement of roads leading thereto. But such leases or privileges shall not include any of the prehistoric ruins in said park or exclude the public from free and convenient access thereto.

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

THE TELEPOST COMPANY.

Mr. PAYNTER. I ask for the present consideration of the bill (H. R. 19402) to enable the Telepost Company to construct its plant, operate the same, and transact its business in the District of Columbia, and to make necessary connections with other parts of its system.

The Secretary read the bill.

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

Mr. BULKELEY. I object.

The VICE-PRESIDENT. The Senator from Connecticut objects.

PUBLIC BUILDING AT NORTH YAKIMA, WASH.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 7546) increasing the limit of cost for a public building at North Yakima, Wash.

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 increase the limit of cost for a public building at North Yakima, Wash., fixed in the act of May 30, 1908, entitled "An act to increase the limit of the 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," from $120,000 to $200,000.

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 AT ROBINSON, ILL.

Mr. CULLOM. I ask unanimous consent to call up the bill (S. 7891) providing for the erection of a public building at Robinson, Ill.

Mr. SMOOT. I am not going to object to the consideration of this bill, but after it is disposed of I shall ask for the regular order.

The VICE-PRESIDENT. The Senator from Utah asks that the regular order be continued after the disposal of this bill. It will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase or condemnation, a suitable site and cause to be erected thereon a building for the use and accommodation of the United States post-office at Robinson, Ill., the cost of the site and building not to exceed $70,000.

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

The title was amended so as to read: "A bill providing for the purchase of a site and the erection of a public building at Robinson, Ill."

NATURALIZATION OF CHARLES A. BARTZ.

Mr. BURKETT. I move that the vote by which the bill (S. 8586) to naturalize Charles A. Bartz was indefinitely postponed on yesterday be reconsidered.

The VICE-PRESIDENT. That is not in order under the demand of the Senator from Utah [Mr. SMOOT] for the regular order, though it can be put by unanimous consent. Is there objection?

Mr. GALLINGER. What is the motion, I will ask the Senator from Nebraska?

Mr. BURKETT. A motion to reconsider a vote.

Mr. GALLINGER. To what does the vote relate?

Mr. BURKETT. To a naturalization bill.

The VICE-PRESIDENT. Is there objection?

Mr. LODGE. I object, Mr. President.

Mr. BURKETT. I have a right to move that the vote be reconsidered.

The VICE-PRESIDENT. The Senator moves——

Mr. LODGE. The motion is not debatable. I move to lay the motion on the table.

Mr. BURKETT. Will the Senator from Massachusetts allow me to explain why I am making this motion?

The VICE-PRESIDENT. The motion to lay on the table is not debatable.

Mr. LODGE. If the Senator will allow me to explain why the committee opposed all these bills——

Mr. BURKETT. I have no objection to the Senator explaining that, I will say to him.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE] to lay the motion of the Senator from Nebraska [Mr. BURKETT] on the table.

Mr. LODGE. I will withhold that motion if the Senator will withdraw his motion to reconsider, and let the matter be explained to the Senate.

Mr. BURKETT. I will say to the Senator in a very few words——

The VICE-PRESIDENT. Does the Senator from Massachusetts withdraw his motion?

Mr. LODGE. I withdraw the motion to lay on the table. Am I wrong in saying that a motion to reconsider is not debatable?

Mr. GALLINGER. I think the Senator is wrong on that point, Mr. President.

The VICE-PRESIDENT. The Chair thinks so.

Mr. LODGE. If a motion to reconsider is debatable, then I withdraw the motion to lay on the table. I said hastily that I did not think it was.

Mr. BURKETT. Mr. President, on yesterday the Senator from Idaho [Mr. HEYBURN], representing the committee to which this bill, with several others, was referred, reported a general bill which was thought to cover all these cases. When I called it to the attention of the Senator from Idaho this morning, he thought perhaps it would not, and that probably a special bill would be neded in this case if the general bill should be passed. So we decided simply to move to reconsider the vote by which the bill was indefinitely postponed, so as to hold it in the situation it was until we get to the general bill and see if the general bill does cover this case. That is the object of the

motion. I am not moving to take it up now. It is expected that the general bill will cover all these cases.

Mr. LODGE. Mr. President, it is not a question of calling it up now. There is a mass of these bills for individual cases of naturalization, and if we enter upon the business of passing bills to naturalize individuals, there will simply be a flood of such measures, and there will be no end to them. The number of individual cases of supposed or real or fancied hardships that will be brought before Congress will be without number; we shall have one bill after another to naturalize some man who, properly or improperly, has been exercising the rights of a citizen without having been naturalized. We ought not to think of dealing with these cases, except by general legislation. There is a bill, which has been carefully prepared by the Senator from Idaho, and which has been reported here, that covers all these cases, as far as possible, to give individuals in cases where there has been hardship or error and no fault, an opportunity to get proper redress and restoration before the courts; but if we enter upon individual cases, Mr. President, we will open up a flood of legislation here, to which the pension bills will be a trifle.

Mr. BURKETT. Mr. President, of course when this bill was reported to the Senate yesterday morning with the recommendation that it be indefinitely postponed, I could have raised the question then of its merits on the question of indefinite postponement; but, supposing that this general bill covered all these cases—and the Senator from Idaho thought so, the committee thought so, and the Senator from Massachusetts says he thought so—we have indefinitely postponed the individual bills by unanimous consent. Now, all that I am asking is that the vote by which this particular bill was indefinitely postponed may be reconsidered, so that when the general bill comes up and we enter upon a discussion of the merits of that measure, if it does not cover this case I will have the same right to discuss it that I would have had to discuss it yesterday, but for the wrong impression that this general bill would cover this particular case.

Mr. LODGE. Mr. President, if the general bill does not cover, or can not cover this case, that does not make any difference, so far as my position in regard to these individual bills is concerned, or the position of the committee, as I understand.

Mr. BURKETT. We ought to have a right to present them——

Mr. LODGE. It was agreed by unanimous consent yesterday to indefinitely postpone the individual bills.

Mr. BURKETT. All I am asking, Mr. President, is not to change the Senator's position, but simply the right to present this case, which right I should have had but for the misapprehension that the general bill covered all of these cases.

Mr. LODGE. If a suitable amendment can be made to the general provision so as to admit this case, that is all very well.

Mr. BURKETT. We think it can, I will say to the Senator.

Mr. LODGE. I do not know but that the Senator from Idaho can explain the matter better than I. He has been looking into the details.

Mr. HEYBURN. I think I may perhaps be able to assist in this matter. The case referred to by the Senator from Nebraska [Mr. BURKETT] is one where a man, while technically residing in this country, which would make him come under the provisions of the bill, has actually been residing as a government employee on the Canal Zone. The Senator from Nebraska seems to have some doubt as to whether or not that would be a residence within the provision that is incorporated in the general bill. I am not inclined to raise any objection, if he wants to consider this case separately. We have not, of course, acted upon the bill, except that we have indefinitely postponed it. I am inclined to think this case would come within our bill, but if there is any doubt about it I have no objection to allowing the vote by which the bill was indefinitely postponed to be reconsidered.

Mr. LODGE. If there is a phrase in the bill which will cover it, that is all right, and I have no objection to it; but I object to passing any individual bill for the naturalization of anybody.

Mr. HEYBURN. So do I.

Mr. LODGE. And I think it would be one of the most unfortunate things we could do.

Mr. BURKETT. I am not asking to pass the bill; I am only asking to leave it in the same status that it would have occupied if the motion to indefinitely postpone it, which was made under a misapprehension, had not been agreed to.

Mr. LODGE. If we take up individual cases, I fear it will open the door to more fraud in naturalization than anything that could be done.

Mr. BURKETT. All I ask is to have the bill put in the same status which it would have occupied but for the indefinite postponement.

Mr. HEYBURN. I think the matter can be reached, perhaps, by an enlargement of the language by one or two words when the bill comes up for consideration.

Mr. BURKETT. I think so myself.

Mr. HEYBURN. So I really do not think there is a necessity for separating it out in a class by itself. Residence in the Panama Canal Zone may possibly be equivalent to residence in the United States; and if it is not, a word or two in the bill when it comes up for consideration, in the way of an amendment, will cover that matter.

Mr. BURKETT. I think two or three words I have suggested to the Senator from Idaho would make it absolutely sure; but I do not want to let this bill be indefinitely postponed without any objection on a misapprehension and without any time for a hearing by the Senate. If the general bill covers this case, then I have no objection that this special bill be indefinitely postponed, but I am simply asking that it be put back where it was before we acted yesterday, under a misapprehension and without any knowledge on the subject.

Mr. LODGE. The Senator seems to misapprehend my point. I have not the least objection to amending the general bill, if it can be done, so as to include this particular case. I want to inflict no hardship; but I think the Senator will find it extremely difficult to enter on passing special naturalization bills in Congress, and to that I am fundamentally opposed. I think to undertake to naturalize citizens here by special act in each case would be a most dangerous practice to enter upon.

Mr. BURKETT. That may be true, Mr. President, but it seems to me the Senator ought not to object to leaving this bill where it was. I am not asking to pass it nor to take it up for consideration; I simply want to leave it where it was until we can see how far the general bill is going to reach.

Mr. LODGE. It can be left in the possession of the committee.

Mr. BURKETT. I do not want the record here to show that the bill has been indefinitely postponed. Why not put it back on the calendar?

Mr. LODGE. I object to its going back on the calendar, but I have no objection to its going back to the committee.

Mr. BURKETT. It goes back with the recommendation of the committee for indefinite postponement, then, without the vote of the Senate.

Mr. LODGE. I have no objection at all to its being recommitted.

Mr. BURKETT. I move, then, to reconsider the vote by which the bill was indefinitely postponed. That is the first motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to.

Mr. LODGE. Now, I move that the bill be recommitted to the Committee on Immigration.

The motion was agreed to.

WITHDRAWALS OF PUBLIC LANDS.

Mr. SMOOT. I move that the Senate proceed to the consideration of the unfinished business, being House bill 24070.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. CARTER] to the amendment of the committee. [Putting the question.] The ayes appear to have it.

Mr. BEVERIDGE. What is that amendment?

The VICE-PRESIDENT. The amendment offered by the Senator from Montana.

Mr. KEAN. That is the amendment authorizing the Secretary of the Treasury to transfer $30,000,000 from the general fund to be applied to irrigation purposes.

The VICE-PRESIDENT. The ayes appear to have it.

Mr. KEAN. Let us have a division.

Mr. BAILEY. Mr. President, I understood the question was on the motion of the Senator from Utah [Mr. SMOOT].

The VICE-PRESIDENT. That had been carried. The Chair then announced that the question was on agreeing to the amendment offered by the Senator from Montana.

Mr. BAILEY. I understand.

Mr. GALLINGER. Mr. President, let the amendment be read. There was so much confusion that it was not heard.

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

The Secretary proceeded to read the amendment, and read down to the word "authorized," in line 3.

Mr. GALLINGER. Mr. President, I was not present when this amendment was read on yesterday; but it has been explained to me. I am against the amendment. I do not ask for its further reading.

The VICE-PRESIDENT. The request that the amendment be read is withdrawn.

Mr. BACON. I should like some Senator to explain the substance of the amendment, without taking the time of the Senate to read it in detail.

Mr. CARTER. Mr. President, the amendment is identical with the bill which passed the Senate some time ago with the approval of the Treasury Department, the Department of the Interior, the Finance Committee, and the Committee on Irrigation of the Senate. It provides, in brief, that advances may be made from the general fund of the Treasury to the reclamation fund as needed for the prosecution of reclamation projects, but not to exceed in the aggregate the sum of $30,000,000. In the event that it becomes necessary so to do, the Secretary of the Treasury may issue certificates of indebtedness to reimburse the general fund of the Treasury for the advances thus made, the interest to be at a rate not exceeding 3 per cent per annum, the amount of the principal and interest to be paid back into the Treasury, according to the terms of the bill as it passed and of the amendment as proposed.

Mr. BACON. Mr. President, I simply suggest to the Senator that possibly he did not measure his words when he said that this bill had the "approval" of the Treasury Department and of the Department of the Interior. I do not think that me must have the approval of any department for the passage of bills.

Mr. CARTER. Mr. President, it was primarily recommended by the Secretary of the Interior, then by the President of the United States——

Mr. BACON. If the Senator would change his language and say "recommended," I should have no criticism to make.

Mr. CARTER. I will gladly make the substitution, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana, and upon that the Senator from New Jersey [Mr. KEAN] demands a division.

The question being put, there were, on a division—ayes 31, noes 6.

Mr. GALLINGER. Mr. President, no quorum has voted. I ask for the yeas and nays on the amendment. I want to record myself against it.

The VICE-PRESIDENT. The Senator from New Hampshire asks for the yeas and nays.

The yeas and nays were ordered.

Mr. CARTER. I rise to a question of order. The Senator from New Hampshire suggested the absence of a quorum.

Mr. GALLINGER. I did not, Mr. President. I suggested that a quorum had not voted; that was all.

The VICE-PRESIDENT. The Chair so understood. Then the Senator from New Hampshire asked for the yeas and nays, which have been ordered. The question is on agreeing to the amendment offered by the Senator from Montana, and upon that the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). In the absence of the Senator from North Carolina [Mr. SIMMONS], with whom I am paired, I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and vote "yea."

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. ROOT]. If he were present, I would vote "yea." I do not know how he would vote.

Mr. PAGE (when Mr. DILLINGHAM'S name was called). I announce the illness of my colleague. He is paired with the Senator from South Carolina [Mr. TILLMAN].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the senior Senator from Delaware [Mr. DU PONT] and vote "yea." I make this announcement of the transfer of the pair for the day.

Mr. OVERMAN (when Mr. FOSTER'S name was called). I have been requested to announce that the junior Senator from Louisiana [Mr. FOSTER] is necessarily absent. He is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer the pair to my colleague [Mr. BANKHEAD] and vote "yea."

Mr. BRISTOW (when Mr. LA FOLLETTE'S name was called). I have been requested to state that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained at home by illness.

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I am advised that if he were present, he would favor this amendment. I will therefore vote. I vote "yea."

Mr. SMITH of Maryland (when Mr. RAYNER'S name was called). The senior Senator from Maryland is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. I therefore withhold my vote.

Mr. OVERMAN (when the name of Mr. SIMMONS was called). My colleague is unavoidably absent, and has a general pair with the junior Senator from Minnesota [Mr. CLAPP].

Mr. SMOOT (when Mr. SUTHERLAND'S name was called). I announce that my colleague is paired with the junior Senator from Virginia [Mr. MARTIN].

The roll call was concluded.

Mr. WETMORE. I announce the pair of my colleague [Mr. ALDRICH] with the senior Senator from Arkansas [Mr. CLARKE].

Mr. CLAPP. I have been requested to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained unavoidably. If he were present, he would vote "yea."

Mr. BACON. By authority of the junior Senator from Maine [Mr. FRYE], I announce a pair between the senior Senator from Maine [Mr. HALE] and myself on this vote.

I have also been requested to announce that the junior Senator from Louisiana [Mr. FOSTER] is paired generally, and also upon this question, with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. BAILEY. I have a general pair with the senior Senator from West Virginia [Mr. ELKINS], and in his absence I withhold my vote.

Mr. CLAY. I transfer my pair with the junior Senator from New York [Mr. ROOT] to the junior Senator from Florida [Mr. FLETCHER], and will vote. I vote "yea."

Mr. GALLINGER. I have been requested to announce a standing pair between the senior Senator from Michigan [Mr. BURROWS] and the senior Senator from Virginia [Mr. DANIEL]. I will not repeat this announcement, but will allow it to remain for the day, at least.

Mr. GUGGENHEIM (after having voted in the affirmative). I am paired with the Senator from Kentucky [Mr. PAYNTER], and voted under the misapprehension that he was present. I transfer my pair to the Senator from Pennsylvania [Mr. PENROSE], and allow my vote to stand.

Mr. JOHNSTON. I have been requested to announce that the junior Senator from Virginia [Mr. MARTIN] is paired with the junior Senator from Utah [Mr. SUTHERLAND].

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	Cummins	Lodge	Smith, Md.
Brandegee	Curtis	McEnery	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,	Taliaferro
Culberson	Frazier	Rayner	Tillman

So Mr. CARTER'S amendment to the amendment was agreed to.

Mr. DIXON. I offer the following amendment.

The VICE-PRESIDENT. The Senator from Montana offers an amendment to the amendment, which the Secretary will state.

The SECRETARY. It is proposed to add as new sections the following:

SEC. —. That the President of the United States be, and he is hereby, authorized to appoint a commission to serve, without salary, for a term of three years, not to exceed 15 in number, and to organize the same for the investigation of all questions relating to the conservation, use, and control of the water resources of the United States for naviga-

tion, irrigation, municipal supply, power, and swamp-land reclamation, to the prevention of floods and the maintenance of stream control, to the prevention of waste in the mining and extraction of coal, oil, gas, and other minerals, to the protection of human life in the mines, and to the prevention of erosion and soil wash; to the conservation of the forests, to the preservation of the public domain for home seekers, to the protection of the timber, coal, iron, and oil lands of the United States against absorption by monopoly; and for the investigation of all other questions relating to the conservation of the natural resources of the United States for the preservation of its beauty, healthfulness, and habitability.

SEC. —a. 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.

SEC. —b. That such commission shall be known as the national commission for the conservation of natural resources.

SEC. —c. 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.

SEC. —d. 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.

SEC. —e. That in order to carry out the purposes of this act there is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, the sum of $50,000, to be expended under the direction of the President.

Mr. DIXON. Mr. President, I at this time desire to make a brief statement regarding the amendment which I have just offered. Some days ago the Committee on Conservation of National Resources reported this amendment in the form of a bill, with one amendment, which I have inserted in this proposed amendment.

For the past two or three years, I apprehend, there has been no question concerning which the people of this country have come as near agreeing on as on the general proposition of the conservation of natural resouces. The trouble has been when the general principle was applied to specific conditions. Then serious differences have arisen as to what is practical and what is not. Two years ago President Roosevelt, on his own initiative, appointed what was known as the National Conservation Commission, composed of scientists and several members of the House and Senate. The work of the commission culminated in calling the conference of governors at the White House two years ago.

Since that time 33 States have organized conservation commissions for their own special interests. In the amendment I have offered it is simply provided that the President may appoint a commission of 15 men, and to insure against any salary proposition or any desire on the part of anyone merely to hold a job that pays some money we have expressly provided in the amendment that they shall serve without salary.

It was the intention of the committee that under this plan the President of the United States might possibly select 15 of the great men of this country to whom salary would not be an object. Their term is limited to three years. They are merely to meet and make recommendations. I do not believe they will solve the question, Mr. President, but I do believe it is possible, if conservative men of great capacity, of great experience in material affairs, are named on the commission, together with some of the experts of the Government, some great good will come out of it.

The amendment is most germane to the present withdrawal bill, known as the conservation bill. It involves no expense. No money is provided for except merely the expenses of stenographers and rent of an office here in Washington. I doubt whether any question before the people of the country has a more general accord than the proposition of a national conservation commission, such as is outlined in the present amendment, and I hope there will be no opposition to its adoption.

Mr. BACON. Mr. President, as the question of the conservation of our national resources and the question, which was the first steamship to cross the Atlantic Ocean, have become inextricably involved, and as the matter was left somewhat in doubt by the conflict of opinions yesterday afternoon as to which was, in fact, the first steamship to cross the ocean, I have taken occasion to get authoritative information on the subject, and I shall now present it.

The fact was not at all in doubt in my own mind, because it has been a familiar one to me from the time of my childhood. I will read from the Universal Cyclopedia and Atlas. On page 120 there is a note under the head of "Steam vessels," and I will, without reading it, ask consent to insert it in the RECORD.

The matter is as follows:

Steam vessels, ships propelled by steam: The possibility of using steam for the propulsion of ships seems to have occurred to Roger Bacon in the thirteenth century. It has been stated that Blasco de Garay, of Spain, in 1543 propelled a vessel by steam, but La Fuente, the Spanish historian, having investigated the matter, found that De Garay made (1540–1543) trials at Barcelona with paddles on ships furnished by Charles V, but in every case the paddles were moved by men. Suggestions as to the use of steam, none of which were carried out, were made by Salomon de Caus (1615) and the Marquis of Worcester (Century of Inventions, London, 1663). The earliest practical effort appears to be that of Papin, who, in 1707, applied his steam engine to the propulsion of a model on the Fulda River at Cassel. Newcomen had in the meantime brought the steam engine itself to a working condition; and in 1736 Jonathan Hulls patented a marine steam engine which he proposed to employ in a vessel to be used as a tugboat. About 1763 William Henry, of Pennsylvania, built a small modern steamboat, which he tried with success on the Conestoga River; the experiment is notable as having furnished the hint to the efforts made later by Robert Fulton. During the last quarter of the eighteenth century the problem of steam navigation had begun to engage many minds in Europe and the United States. In France the Count d'Auxiron and M. Perier made experiments in 1774–75, and the Marquis de Jouffroy, upon a larger scale and with better success, in 1776–1783. In the United States James Rumsey, of Maryland, was similarly engaged, and in 1786 built a boat which was propelled on the Potomac by steam at the rate of 4 miles an hour by means of a jet of water forced out at the stern. He built a boat in London with which a successful experiment was made on the Thames in 1792. Meanwhile John Fitch experimented on the Delaware River. His first boat, built in 1786, was propelled by paddles moved by a steam engine; at first a speed of only 3 miles an hour was attained, but improvements increased that speed to 8 miles. It is noticeable that in his boat he employed side-wheels, with a screw propeller at the stern. In 1788 Miller, Taylor, and Symington built a boat which consisted of two connected hulls driven by a single paddle wheel between them, which attained a speed of 5 miles an hour on Dalswinton Loch. They built a larger vessel in 1789 with a steam engine of 12 horsepower, which attained a speed of 7 miles. In 1801 Symington built a boat for towing, which drew vessels of 140 tons at the rate of 3½ miles an hour. About 1790 Robert Fulton left the United States for England, where he turned his attention to mechanics and especially to steam navigation. He made experiments in France, which were only partially successful, but he secured the confidence and aid of Robert R. Livingston, the United States ambassador, and in 1806 returned to New York, bringing with him a Boulton & Watt steam engine, for which a hull was built. This vessel, named the *Clermont*, made a trial trip to Albany August 7–9, 1807, returning on the two following days, her average running speed being 5 miles an hour. The *Clermont* was 130 feet long, 18 feet beam, 7 feet deep, with a burden of 160 tons. She soon began making regular trips between New York and Albany, and for all practical purposes must be considered the first steamboat adapted for the conveyance of passengers and freight. Fulton and Livingston obtained from New York the monopoly for using steam vessels in the waters of the State. John Stevens, of New York, was, even earlier than Fulton, an experimenter in steam navigation. In 1789 he perfected his plans for a steam vessel, and in 1804 and 1805 built small vessels which showed that his plans were sound. The *Phœnix*, his first steamboat, completed in 1807, followed hard upon Fulton's *Clermont*. Prevented by the monopoly of Fulton and Livingston from navigating the Hudson, he sent his boat by sea to the Delaware, upon which she was afterwards employed, and in this voyage demonstrated the problem of the possibility of the use of steam vessels upon the ocean. Steam vessels in the United States were thus an assured success. Fulton and his coadjutors soon placed a fleet of them upon the Hudson River and Long Island Sound, while Stevens and his sons placed their steamers upon the Delaware and the Connecticut, and upon the Hudson after Fulton's monopoly had expired. The first steamboat in Great Britain was the *Comet*, 40 feet long, built in 1812 for the navigation of the Clyde; but before this time Fulton and Livingston had begun to build steamers at Pittsburg, Pa. Upon all navigable rivers and smooth waters of the civilized world steamboats were rapidly introduced, and their use upon the ocean followed. As early as 1819 the steamer *Savannah* made the voyage from Savannah, Ga., to Liverpool, England, in twenty-two days, and thence to Russia. From that time the development in ocean steamships has been steadily toward larger steamers, including the famous *Great Eastern*. The *Lucania*, of the Cunard Line, a screw steamship of steel, 620 feet long and having a gross tonnage of 13,000 tons, crossed the Atlantic from Queenstown to New York in five days seven hours and twenty-three minutes October 21–26, 1894.

Mr. BACON. I will read a paragraph from the foregoing, making specific statement as to the fact. I read from page 121:

Upon all navigable rivers and smooth waters of the civilized world steamboats were rapidly introduced, and their use upon the ocean followed. As early as 1819 the steamer *Savannah* made the voyage from Savannah, Ga., to Liverpool, England, in twenty-two days, and thence to Russia.

In a book called Harper's Book of Facts, volume 1, page 762, there is quite a large amount of statistical information upon that subject. The junior Senator from Rhode Island [Mr. WETMORE] has kindly extracted from this mass of information a condensed statement of the principal events of this time relative to early ocean steamships, which I shall read. It is under the head of "Steam navigation" also, the same head as that in the encyclopedia from which I have previously read, and it is as follows:

Savannah, Capt. Stevens Rogers, a steamboat of 350 tons, built in New York City, crosses the Atlantic from Savannah to Liverpool in twenty-six days, during eighteen of which she uses her paddles. Off Cape Clear she is mistaken for a ship on fire and pursued by the British cutter *Kite*. She sails from Savannah, Ga. (New York), 24 May, 1819.

Then, subsequent to that:

Steamboat *Royal William* crosses the ocean from Quebec, 1831.

Twelve years afterwards:

Great Western Steamship Company formed, and keel of the *Great Western* (1,340 tons) laid at Bristol, England, 1836.

* * * * * * *

First voyage of the steamship *Great Western*, launched 19 July, 1837, from Bristol to New York, 8–23 April, 1838.

Nineteen years after the *Savannah* crossed the ocean.

Sirius, built at London, crosses the Atlantic in eighteen and one-half days, reaching New York under steam a few hours before the *Great Western*, 23 April, 1838.

So the *Great Western* was really the fourth.

Unicorn, first steam vessel from Europe to enter Boston Harbor, arrives 2 June, 1840.

First of the Cunard Line, the *Britannia*.

The one which the Senator from Massachusetts stated dubitante he thought was the first, but he did not assert it as a fact—

side wheeler, crosses to Boston in fourteen days eight hours, leaving Liverpool 4 July, 1840.

* * * * * * *

Collins Line of American steamships formed and subsidized by the United States Government, 1849. (It consisted of the *Arctic*, *Baltic*, *Atlantic*, and *Pacific*, and existed eight years. The barber shops on shipboard were a new feature.)

* * * * * * *

First trip around the world by a merchant steamer, the English screw steamship *Argo*, 1854.

* * * * * * *

Great Western broke up for firewood at Vauxhall, 1857.

That is taken from Harper's Book of Facts, New York, Harper & Bros., published in 1845.

I have here also a matter of very great interest. We all know there is valuable evidence found in old pictures, recognized in the law books as evidence. The Senator from New Hampshire [Mr. GALLINGER] has furnished me with an old print picture of the steamship *Savannah* as she appeared and made her first voyage [exhibiting]. It has under it a very interesting narrative. Some of it is a little illegible and I can not read the whole of it, but I will read as much of it as is entirely legible. The steamship is represented with her side paddle wheels, the flag flying from her mast, upon which is written the name "Savannah," and underneath is written:

Steamship *Savannah*, Capt. Moses Rodgers.
The first steamship that crossed the Atlantic Ocean.
Was built in New York and sailed March 28, 1819. Arrived in Savannah after a passage of six days. Thence to Liverpool in eighteen days.

There seems to be a discrepancy between the statement in some of the books and this print as to the time consumed in the voyage. I presume the explanation must be that the trip from New York to Savannah was added in some of them to the time occupied in the trip across the ocean. The interesting narrative following is the one which is partly illegible. I will read it as far as it is legible. It says:

When entering the St. Georges Channel off the city of Cork she was descried by the commander of the British fleet lying in that city. Seeing a volume of smoke ascending from the steamer—

Then are the illegible words, but the connection shows that he thought she was on fire, and then the statement continues—

and with commendable promptitude dispatched two cutters to her relief. On boarding her they found her all right. She steamed to Liverpool. On nearing the city the piers were thronged with people who sent up enthusiastic cheers.

I know the RECORD is not a pictorial publication, but the Senator from Wyoming [Mr. WARREN] did upon one occasion get the permission of the Senate to insert something in the RECORD which illustrated some of the products of his great part of the country, and I trust there may be no objection that this historic picture shall be inserted in the RECORD in connection with the remarks I have made.

I desire to say further, Mr. President——

Mr. SMOOT. Mr President——

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do, with pleasure.

Mr. SMOOT. I would be delighted to have the picture preserved; and if the Senator will have his remarks now made printed as a public document, I would be glad to have that picture inserted in his speech.

Mr. BACON. I will be very happy to have that done.

Mr. SMOOT. But I do object to having it go into the RECORD.

Mr. BACON. Very well.

Mr. SMOOT. For this reason——

Mr. BACON. I will not insist on that. I think the suggestion that it be printed as a document is better; and I will ask in this connection that the little colloquy had in the Senate yesterday on this subject may be also published as a part of that document.

Mr. GALLINGER. Mr. President——

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

Mr. BACON. With pleasure.

Mr. GALLINGER. I read the RECORD this morning as I sometimes do read the RECORD. I was interested in the debate that occurred on yesterday, when I was absent from the Chamber. Had I been here I would have corroborated what the Senator from Georgia said in reference to the first steamship that crossed the Atlantic Ocean, being entirely familiar with the historical fact. I have had that old picture in my possession for some time, it having been presented to me by a relative of Capt. Moses Rogers, the famous commander who accompanied that ship across the Atlantic Ocean. I do think it is of great historical interest that the fact should be preserved. I would not have asked it for myself, but I am glad the Senator has asked that the picture shall be reproduced in his remarks. I quite agree with the Senator from Utah that it should be in the shape of a document rather than in the RECORD. The Committee on Printing has come to the conclusion that all such illustrations ought to be kept out of the RECORD.

Mr. BACON. I think so.

The PRESIDING OFFICER. There being no objection the matter referred to, with a reproduction of the picture, will be printed as a public document.

Mr. JONES. Mr. President——

Mr. BACON. I will be through in one minute.

Mr. JONES. I want to make a suggestion about the printing.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Washington?

Mr. BACON. I do.

Mr. JONES. In regard to printing the matter, it seems to me it ought to be printed in the RECORD, where we can get at it. If it is printed as a small document, the chances are that when we want to find it we will not know where to get it. If it is put in the RECORD, anybody who wants to look it up can get access to the CONGRESSIONAL RECORD and find it.

As far as I am concerned, I would rather have these things put in the RECORD, where people can get at them, than to have them printed in a little document which will probably be scattered here and there or lost or destroyed, and nobody can get it unless he happens to be in Washington, or something of that sort.

The PRESIDING OFFICER. Objection has been made to printing it in the RECORD.

Mr. BACON. The only mistake I made yesterday was as to the date of the sailing of the *Savannah*.

Mr. GALLINGER. I would have corrected the Senator yesterday had I been present. I noticed his mistake as to the date.

Mr. BACON. It had been a long time since I had seen any reference to the matter and my recollection was not clear on the subject. In answer to an inquiry made to me by the Senator from Massachusetts, I said that I was not sure of the date, but I thought it was about 1827. It seems that, in fact, it was in 1819. I will state that if the sailing of this vessel had been a matter of my personal observation, as suggested by my venerable friend from North Carolina [Mr. OVERMAN], I would not have made the mistake.

Mr. DEPEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New York?

Mr. BACON. In one moment, if the Senator please. I thought at the time that my friend with the snowy locks from North Carolina was jesting when he made that inquiry of me, but this morning he informed me with absolute certainty that he does recollect when the *Great Western* crossed the Atlantic, and we now know from the record before us that that crossing was in 1838. So it was not unreasonable that with such a personal experience himself, dating back to 1838, he should have thought I might have remembered what occurred in 1827. [Laughter.]

Mr. OVERMAN. I wish to correct that by saying it was the *Great Eastern*. I remember the *Great Eastern*.

Mr. MONEY. Mr. President——

Mr. BACON. I ought to yield to the Senator from New York. He wished to interrupt me and I asked him to wait a moment.

Mr. DEPEW. Mr. President, it seems to me that the real question which was raised in the interesting historical discussion which took place yesterday between the Senator from Georgia [Mr. BACON], the Senator from Mississippi [Mr. MONEY], and the Senator from Colorado [Mr. HUGHES] has not been satisfied by the remarks of the Senator from Georgia or the picture presented this morning. The question yesterday, I understand, was what ship it was that going to England or coming here carried a message on the same ship that no steamship would ever cross the Atlantic Ocean. I think the statement was that the first steamship which came to America brought a letter to the consignees announcing that as a fact——

Mr. BACON. A book.

Mr. DEPEW. And a ship that was in dispute between the Senator from Georgia and the Senator from Mississippi arrived at a dramatic period in the harbor of Bristol while a cabinet minister was announcing to the crowd that no steam vessel would ever cross the Atlantic Ocean, and the audience was broken up by the people outside shouting that the ship had arrived. It seems to me that while the Senator from Georgia has made out a very good case for the Savannah steamship, he has not settled the question as to whether the one carried the message that no steamship could ever cross the ocean, or the other was received at the other side while an important personage was declaring that no such event could occur.

Mr. BACON. The distinguished Senator was not present yesterday and possibly has read very hastily the RECORD this morning in which that colloquy was had.

Mr. BORAH. Mr. President——

Mr. BACON. If the Senator will pardon me a moment, I will with pleasure yield to him in a moment. I will be through in a very little while.

The statement had been made on yesterday in the speech of the Senator from Colorado [Mr. HUGHES] that the first ship which ever crossed the ocean had brought with it a book to the United States containing that announcement. The correction which I endeavored to make was that the first ship which crossed the Atlantic Ocean had not come to the United States but had gone from the United States, and I specified the ship, to wit, the ship *Savannah*. My learned and distinguished and erudite friend, the Senator from Mississippi [Mr. MONEY] had taken issue with me and had narrated the interesting incident the Senator from New York has now alluded to, that while the steamship which did, in fact, first cross the ocean, which the Senator said was the *Great Western*, was upon the waters there was a distinguished gentleman in Bristol making a speech to the effect that it was an impossibility to cross the ocean with a steamship. I did not intend to go further into that because I presume the Senator from Mississippi desires himself to state how he made the mistake. The fact is that the ship which he thought landed at Bristol at that very interesting juncture did not land at Bristol but landed at New York many years after the steamship *Savannah* crossed the ocean. In other words, it came from England to New York and did not go from the United States to England. But I will leave all that to the Senator. I purposely avoided mentioning it from the fact that he informed me he intended to make a proper statement to the Senate as to the way he got that misinformation.

Mr. MONEY. Mr. President——

Mr. BACON. I promised to yield to the Senator from Idaho, and I yield to that Senator first.

Mr. BORAH. I was simply going to make a suggestion which would harmonize the situation between the Senator from Colorado and the Senator from Georgia. The fact, as I find it, is that it was not the first steamship which came across the Atlantic which carried this document, but the first document on that subject came across the Atlantic in a steamship.

Mr. BACON. It was not the first steamship.

Mr. BORAH. That is correct historically.

Mr. CLAPP. Mr. President——

Mr. MONEY. Mr. President, I think I can wind up this symposium in a moment. In the first place, Mr. President, the only question which properly ought to be considered is whether the predictions of scientific men are always verified by the facts, as that was the only point raised by the Senator from Colorado. He did state as an illustration of that fact that a ship came here bearing a treatise or book in the hold which said it could not be done. That is all he cared to say about the ship; and he did not care where it went, where it was going, or where it was coming, except he wanted to use it as an illustration of the fact, and it justified the fact, as far as I know.

When my accurate friend from Georgia made his statement I was just as accurate as he was in my recollection, but I did not look up the facts, because I felt assured he would trace up everything there was in connection with the account in order that he might present it to the Senate this morning in vindication of his accuracy; and I think he did it perfectly well.

I can not insist upon my recollection as contrary to his, but I do insist that I recollect with distinction and clearness the fact which I related yesterday. I read Doctor Lardner's lectures on popular science of 1845 a good while ago, but I recollected the story which I related yesterday, that it broke up his meeting at Bristol when he was speaking of the impossibility of a steam vessel crossing the ocean. He said it could sail in smooth water, but could not buffet the waves, and his audience was broken up by the arrival of the steamship, the *Great Western*, from Charleston, S. C., to Bristol. My recollection is perfectly accurate about it, but I can not find the authorities; at least, I have not looked for them. I do not think I could find them if I tried.

So I am ready to acknowledge to-day that I am entirely wrong about my facts. The steamer, the *Great Western*, was about the fourth in the race, and it was going the wrong way for the story, and the Senator from Georgia is perfectly accurate except about the date, which does not amount to a hill of beans in a matter of this sort, and it did not need any vindication. On that point I am only astonished that he did not have the date as well in his memory as the ship. I hope this is not a difficulty that can not be settled. All that was said yesterday is to be published as a document in order that the world may know how awfully mistaken I was as well as some other people. It is all right; I have no objection. I am so often mistaken it does not hurt me to be caught. I try to say things deliberately, but I do make a mistake now and then, and I was culpable in undertaking to correct what I thought was a mistake of the Senator from Georgia. I want to say that I will not do it any more.

Mr. BURTON. Mr. President, as this beautiful picture of the ship, under sail, with rather fanciful paddle wheels, is to be printed as part of a public document, I feel disposed to make a few remarks supplemental to those already made.

I do not wish to detract at all from the distinction given to the ship *Savannah* or to the city of Savannah by reason of the fact that a boat of that name crossed the ocean in 1819, but I hardly think it is fair to compare this vessel with the later steamships which crossed the Atlantic.

From the best information available, it seems the boat left Savannah on the 24th of May, 1819, and reached the mouth of the Mersey on the 20th of June, a voyage of twenty-seven days, and several days later steamed up the Mersey to Liverpool. But was she a steamship? She had paddle wheels that could be folded up and put on the deck, and whenever the sea was rough or the seamen were prone to be seasick they accomplished the delightful transformation of taking off the paddle wheels and stowing them away until calm weather. For a good share of the way she did not use steam at all, but relied exclusively upon her sails. On the return trip she seems to have depended upon the sails entirely. She was a sailing ship before she made the trip across the ocean, and as her machinery and boilers were not working very well, the engine was taken out and she became a sailing ship again after the trip had been completed. Her sailing record was not altogether unlike that of an individual who enjoys a lucid interval. The boat used steam only between Savannah and New York and between Savannah and the Old World, and in the latter trip the use of steam was, in a measure, incidental. As a proof of how little the propelling power of steam could have amounted to, she carried from Savannah only 75 tons of coal and 25 cords of wood.

As regards the widely disseminated myth concerning Doctor Lardner, it has the sanction of Mr. Wendell Phillips in his lecture on "The Lost Arts." He says that in 1836 Doctor Lardner published a pamphlet in which he proved that no steamship could cross the ocean, and that pamphlet or book—he changes the description from pamphlet to book in a later sentence—was brought over in the first steamship which came across the ocean. It is true that Doctor Lardner, who was a most remarkable man, a brilliant writer, master of a fine style, but not very accurate in his scientific conclusions, did, in a newspaper interview in December, 1835, in the Liverpool Albion, say that you might as well try to sail to the moon as across the Atlantic. But he afterwards changed his views very much on that subject, and before a scientific association which met at Bristol in the autumn of 1835 he conceded that a steamship could cross the ocean. He said, however, it would be very desirable to make the sailing radius as short as possible; that it would be best to sail from the west coast of Ireland and touch first at Nova Scotia. Some of those who were unfriendly and not very serious critics said that he held this opinion of terminal points because he was a native of Dublin, and thus desired that Ireland should have the greatest benefit from the sailings of boats. I think, however, it must be conceded that the story that a pamphlet was written on the subject and brought over in the first boat is one of those pleasing yarns which serve excellently for an illustration, but are rather devoid of historic truth. Doctor Lardner's original expression and his later opinion must both have been well known in the United States before the sailing of the first two passenger steamers, the *Sirius* and *Great Western*, in April, 1838.

Mr. President, it is written of one of the characters in a well-known opera:

Her taste for truth exact amounts to a disease.

With no such pretension in the way of accuracy or truth in this discussion, I do not like to see this document published without trying to throw a little light on the facts and circumstances relating both to this ship and to Doctor Lardner.

Mr. BACON. Mr. President, only a word. I shall not detain the Senate, which wants to proceed to regular business, but the suggestion that this ship was not entitled to be called a steamship because it used sails, is certainly not one which can be considered valid, for the reason that, not only then, but for fifty or sixty or more years afterwards almost all steamships used a combination of steam and sails as propelling power.

Mr. BURTON. Yes.

Mr. BACON. I recollect that most distinctly. I have seen such vessels frequently. The first time I ever crossed the ocean it was on a steamship, a fine one, the *Britannic*, then the queen of the ocean, and she was equipped with a full set of sails, which she frequently used during the voyage. I recollect, Mr. President, a more remarkable fact than that, and that is that our men-of-war up to less than forty years ago had a most elaborate equipment of sails as well as steam, and that both were used. I recollect distinctly, in the seventies, going from New York to Norfolk in a steamship and on entering Hampton Roads seeing a man-of-war of the United States under full sail and full steam at the same time, and, I recollect, she fired a salute. I suppose it was done in passing the fort, which was the first thing that called my attention to the fact that she was a man-of-war or that she had any steam, because the sails were so large and the masts were so overtowering that they absolutely hid the funnel until attention was more directly called to it. That does not in any manner, it seems to me, detract from the statement that it was a steamship. It has been recognized by all the world that that was a steamship. Her paddle wheels were at times put upon the deck, it was true, but that was because of the fact that the *Savannah* was supposed when she was under sail the paddle wheels would be an obstruction to the passage of the ship through the water; but the record is, as found in Harper's Facts, that she used steam for eighteen days of the journey and that she was twenty-six days on the journey, so that for eighteen days out of the twenty-six she was propelled by steam.

I do not think, however, Mr. President, it is necessary to discuss that, because the verdict has been made up for nearly one hundred years that that was a steamship, so recognized. That steamship bore, I presume, about the same relation to the steamships of the present day that the little railroads first constructed and operated in New York and in Maryland bore with their equipment to the railroads and equipment of the present day; and I presume it also bore about as striking a resemblance, or was as accurate a presentation of that which was afterwards developed in steamships as the flying machines of to-day are going to bear to the flying machines twenty-five or fifty years from now. The whole record of that day and the verdict of subsequent years is that the first steamship that ever crossed the Atlantic Ocean or any other ocean was the steamship *Savannah* which sailed from Savannah for Liverpool in 1819.

I have received a letter from the Commissioner of the Bureau of Navigation, Department of Commerce and Labor, inclosing an extract from Our Ocean Railways; or, The Rise, Progress, and Development of Ocean Steam Navigation, which I ask to have inserted at the end of my remarks. It is a most interesting narrative of principal events in the voyage of the *Savannah*.

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

The extract is as follows:

(Extract from Our Ocean Railways; or, The Rise, Progress, and Development of Ocean Steam Navigation, by A. Fraser-Macdonald, pages 40–45.)

The log book of the *Savannah* gives us the particulars of this her first voyage to the sea. From it we ascertain that the vessel "got under way for sea with the crew on board at 10 a. m. Sunday, March 28, 1819," and that the pilot left the ship off Sandy Hook light three hours later, "with fresh breezes at NW." It is evident that the vessel left under sail, for no mention is made of steam in the log. At 4 p. m. the sailing master records that "with fresh breezes and clear" the "Hilands of Never Sink bore N. b. W. 6 leagues distant, from which I take my departure." "Thus," an American writer observes on this entry in the log, "the sailing master of the pioneer trans-Atlantic steamship, with a little crew of daring seamen, made the first record in a vessel's log book of the day and hour in which he last saw land in New York Harbour as he took his departure for a distant port."

At 11 a. m. the log records the fact that they "got the steam up and it began to blow fresh; we took the wheels in on deck in 30 minutes." On April 3 it states that the weather was calm and pleasant, and that at 3 p. m. they "stowed the wheels and started the wheels, furled all sail."

The fore and aft sails were, however, set next morning at 5 o'clock, but the crew at "8 a. m. folded up the wheels and stowed the wheels."

The vessel came to anchor at Savannah at 4 a. m. on April 6, eight days and fifteen hours (207 hours) from Sandy Hook, during which the engine was used only forty-one and a half hours.

The Savannah Republican, newspaper, of April 7, 1819, thus announced her arrival and the popular interest it excited:

"The steamship *Savannah* arrived at our port last evening after a boisterous passage of seven days from New York. On her approach to the city hundreds of citizens flocked to the banks of the river and, while she ascended, saluted her with long and loud huzzas! The utmost confidence is placed in her security. It redounds much to the honor of Savannah when it is said that it was owing to the enterprise of some of her spirited citizens that the first attempt was made to cross the Atlantic Ocean in a vessel propelled by steam. We sincerely hope the owners may reap a rich reward for their splendid and laudable undertaking."

In the same paper we have the following advertisement on the 19th of May following:

"FOR LIVERPOOL.

"The steamship *Savannah*, Captain Rogers, will without fail proceed for Liverpool direct to-morrow, 20th instant. Passengers, if any offer, can be well accommodated. Apply on board."

No passengers, however, offered themselves, probably from a fear either of the ship being set on fire by her furnaces or blown up by the explosion of her boilers; and, we have reason to believe, carried no freight. Nevertheless the *Savannah* weighed her anchor two days later than the day advertised and sailed for Liverpool.

The captain of an American schooner which arrived at Newburyport reports having sighted the *Savannah* on the 29th May, in latitude 27° 30', longitude 70°. She was then ahead to eastward, with volumes of smoke issuing from her. Concluding it was a ship on fire, he stood for her in order to afford relief; "but," observes the captain, "found she went faster with fire and smoke than we could do with all sail set! We then discovered that the vessel on fire was nothing less than a steamboat crossing the western ocean, laying her course, as we judge, for Europe, a proud monument of Yankee skill!"

The London Times of June 30, 1819, thus announced her arrival:

"The *Savannah*, a steam vessel, recently arrived at Liverpool from America—the first vessel of the kind which ever crossed the Atlantic—was chased the whole day off the coast of Ireland by the *Kite*, revenue cruiser on the Cork station, which mistook her for a ship on fire."

The sailing master, Stevens Rogers, thus described her arrival off Cork on June 17, in a communication to a Connecticut paper, after the arrival at New York of the *Sirius* and *Great Western:*

"She (the *Savannah*) was seen from the telegraph station at Cape Clear, on the southern coast of Ireland, and reported as a ship on fire. The admiral, who lay in the cove of Cork, dispatched one of the King's cutters to her relief; but great was their wonder at their inability, with all sail set, in a fast vessel, to come up with a ship under bare poles. After several shots were fired from the cutter the engine was stopped, and the surprise of her crew at the mistake they had made, as well as their curiosity to see the singular Yankee craft, can easily be imagined. They asked permission to go on board, and were much gratified by the inspection of this novelty."

On June the 18th the sailing master announced, as already quoted from his log, that when off Cork there was "no cole to git up steam." This must have been a great disappointment to Captain Rogers, who, after his chase by His Majesty's cutter, would doubtlessly wish to run up channel under steam. We find, however, that "with all sails set to the best advantage," the *Savannah* hove to at 2 p. m. "off the bar for the tide to rise." The log then states that at "5 p. m. shiped the wheels, firld the sails, and, running to the river Mercer, at 6 p. m. came to anchor off Liverpool with the small bower anchor." This made the run twenty-nine days eleven hours from Savannah to Liverpool, during which the engine worked the wheels only eighty hours.

On approaching Liverpool the shipping, piers, and roofs of houses were thronged with persons cheering the adventurous craft. Several naval officers, noblemen, and merchants from London came to visit her, and were curious to ascertain her speed, destination, etc. As it was soon after her arrival that Jerome Bonaparte had offered a large reward to anyone who would carry off his brother from St. Helena, the *Savannah* was suspected of having some such object in view, and during her stay of twenty-five days at Liverpool was consequently jealously watched by the authorities.

On July 21 the *Savannah* weighed anchor and dropped down the Mersey, bound for St. Petersburg, and arrived at Elsinore on August the 9th. Here she remained in quarantine until the 14th, and then sailed for Stockholm, reaching that place on the 22d.

Six days after her arrival her log records at noon that "H. R. H. Prince of Sweden and Norway visited the ship." On September the 1st she went on a pleasure trip, "having on board many of the royal family, Russian nobles, officers, and foreign ministers to the Swedish court." Four days later she left for St. Petersburg, taking with her Sir Thomas Graham (Lord Lyndock), then on a tour through the north of Europe. The sailing master informs us that on the passage he expressed a wish to see the vessel brought from steam to canvas, and that his lordship "held his watch and noted the time—fifteen minutes—and was so delighted that he exclaimed, 'I blame no man born in the United States for being proud of his country, and were I a young man I would go there myself.'"

The *Savannah* arrived at St. Petersburg on September the 13th, and was maneuvered for three days in the harbor under steam, having on board many of the royal family, Russian nobles, and other distinguished personages.

During her voyage of thirty-three days from Liverpool to St. Petersburg, steam was used more continuously than on the former voyage, or for about ten days (two hundred and thirty-nine hours). On the 10th of October she sailed for Savannah. The homeward voyage was a stormy one, and the engines were not used on any single occasion during it until November 30, when, as the log informs us, Captain Rogers "took a pilot inside the bar," and "at 10 a. m. anchored in the Savannah River and firld sails on the flude tide, got under way with steam, and went up and anchored off the town."

Owing to the pecuniary embarrassment of her owners, consequent upon the great fire at Savannah in 1820, she was sold, her engines taken out, and employed as a sailing packet between there and New York, and subsequently lost on Long Island.

Mr. BURTON. Many steamships still have sails. There is nothing like progress, Mr. President. I take it the difference between the *Savannah* and other later boats is that, although sails were used by both, in her case steam was incidental and the real dependence was upon sails, while in the later steamships the sails were incidental and steam power was depended upon.

One thing throwing light upon the controversy in which Doctor Lardner was involved is that the great difficulty had been to provide sufficient fresh water for the boilers. That was discussed more than anything else, he maintaining that was the chief obstacle. With the method of condensing and using the same water over and over again, devised at about that time, this difficulty was done away with.

Mr. OWEN. Mr. President, if this be a question of determining the relative merits of myths, I should like, as a matter of personal friendship, to give my adherence to any myth offered by the Senator from Mississippi [Mr. MONEY], notwithstanding his withdrawal.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. CARTER].

Mr. JONES. I desire to offer an amendment to the amendment.

Mr. SMOOT. Is the Senator's amendment an amendment to the amendment offered by the Senator from Montana or to the original amendment?

Mr. JONES. It is offered to the amendment of the Senator from Montana.

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

Mr. JONES. I desire that it shall come in after the word "number," in line 4 of the printed amendment.

The SECRETARY. In the printed amendment, after the words "fifteen in number," on page 1, line 4, it is proposed to insert:

One of whom shall be the Attorney-General of the United States.

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to.

Mr. HEYBURN. Mr. President, the amendment has hardly been stated. I suppose the Chair will withhold the decision. It is proposed now that the Attorney-General shall be a member of the commission for the purpose of exercising control over the proceedings of the commission.

The PRESIDING OFFICER. The Chair will withdraw the declaration that the amendment was agreed to.

Mr. HEYBURN. I wish to inquire of the Senator who introduced the amendment what is its purpose?

Mr. JONES. The purpose I have in mind is this: My judgment is that one of the greatest difficulties to get proper legislation along certain lines is because those who are especially enthusiastic over conservation have but very little regard for the legal limitations of the Federal Government and the state governments. The purpose of this amendment is to have the Attorney-General on the commission, and then I am satisfied that whatever recommendations are made will be made after taking into consideration the legal limitations of the National Government and the state governments.

Mr. HEYBURN. That is a very good reason.

Mr. DIXON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. The Senator from Idaho [Mr. HEYBURN] has the floor.

Mr. HEYBURN. I am not holding the floor.

Mr. DIXON. Mr. President, I want to say I shall be very happy, personally, to see that amendment adopted. I think, as the Senator from Washington [Mr. JONES] has well said, much of the misunderstanding that has arisen in matters of conservation has been from enthusiastic devotees who have not distinguished at times between what can be accomplished legally and what can not be.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana [Mr. DIXON] accept the amendment offered by the Senator from Washington [Mr. JONES] by way of perfecting his amendment?

Mr. DIXON. I accept it by way of perfecting my amendment. I think if the Attorney-General were made ex officio a member of this commission to give it a balance-wheel effect, so far as what legislation is possible and compatible with present conditions, it would be very fortunate. I am very glad to see the amendment offered.

Mr. BORAH. Mr. President——

Mr. HEYBURN. I have addressed the Chair, Mr. President.

The PRESIDING OFFICER. The senior Senator from Idaho [Mr. HEYBURN] is entitled to the floor.

Mr. HEYBURN. I will yield to my colleague in a moment. I desire to offer an amendment to the amendment of the Senator from Montana. It has been established here, I think, to the satisfaction of everyone, that all of the natural resources that are to be conserved lie west of the one hundredth meridian; that is, I have not heard any mention of any natural resources, at least, east of the Mississippi River. So it seems only reasonable that this board should consist of persons who reside in that section of the country where the natural resources of the Government to be conserved are to be found. I therefore offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by inserting the following proviso:

Provided, That no person shall be selected as a member of said commission who does not reside west of the one hundredth meridian.

Mr. HEYBURN. Mr. President, I will detain the Senate but a moment. I offer the amendment to point the suggestion that I intend to make in connection with it. This Government generally is run upon the principle that those who live in the section of the country affected by legislation or by official action are best qualified to pass upon conditions and make suggestions as to things proper to be done or that should not be done; and a commission selected from the East to attend to the business of the West would hardly be consistent with the spirit of our Government.

To the suggestion of the Senator from Washington [Mr. JONES] that the Attorney-General be a member of this board, I have no objection, because it would be a good thing to have any lawyer connected with it, as has been demonstrated by the action in the past, even though we had to borrow a man from some country where they had royal forests and a man who was familiar with that kind of administration.

Mr. OVERMAN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. I do.

Mr. OVERMAN. Mr. President, I will suggest to the Senator that there are others interested in the matter besides those in the West. We have in the East the Appalachian Mountains and the White Mountains, in connection with which there is a great deal of interest.

Mr. HEYBURN. Mr. President, I had not heard them mentioned during the discussion of this bill.

Mr. OVERMAN. We are not so much interested in the bill itself, perhaps, because there are no public lands in the East; but still if we could get the States to cooperate and to pass uniform laws and purchase a number of acres, it would be a great thing for our country, I think. If this commission would recommend uniform legislation to the different States where the Appalachian and the White Mountain ranges are situated, it would be a great thing to have those States organized and have them enact similar laws upon this subject. Therefore I hope the Senator will withdraw his amendment. I think that the matters to which I have referred are more important than some other things that the commission would look after.

Mr. GALLINGER. Mr. President, will the Senator yield to me for a moment?

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

Mr. HEYBURN. I do.

Mr. GALLINGER. I rose a moment ago to make the very suggestion the Senator from North Carolina [Mr. OVERMAN] has made. I do not think we want to frame this bill along sectional lines. We have some matters of interest, even in the little Eastern States. We have the White Mountains in New Hampshire, that we hope we may be able to preserve in some form or other along the lines of conservation. I do not know that the Senate will allow us to do so. The Senator from Idaho last year obstructed the bill and defeated it. We have, I think, likewise some little interest in mining in the States east of the point that the Senator has named in his amendment. We have sometimes floods in the East which we would like to take care of, and we should like to be instructed as to how we can take care of them.

I have not very much faith that this distinguished commission will be able to solve the problem; but, if they do, I think we ought to have the benefit of it and that we ought to have some eastern talent on this commission, if a commission is to be provided for to take up these questions.

I really think that the Senator is making a mistake in concluding that everything in the line of conservation is in the West; but, even if it were, I should question the propriety of creating a commission confined entirely to one section of the country to consider any great national question.

The East has stood by the irrigation project. Some of us have an impression that the administration of it has not been conducted very well, but we have stood by it; we gave our votes for it, and we have never failed, so far as I know, to vote for everything that the great West has asked us to vote for on broad national lines.

Now, if the Senator really thinks that Congress ought by statute to say that the East should not have any voice in a question of this kind, it does seem to me that he is making a mistake, and that the Senate will not agree to it.

Mr. HEYBURN. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] has, I might say, uniformly supported measures in the interest of the great West and its development; but it seems to me that what would be required under the suggestion in regard to the White Mountain and Appalachian forests and such things would be a purchasing agency. The Government does not own them. The pending measure is directed to the conservation of the natural resources of the United States and to the preservation of its property. Of course, if we were to purchase the territory contemplated in the Appalachian and White Mountain forest reserve measure and it became government property, the situation presented would be entirely different, but, inasmuch as no response was made to the suggestion that we conserve the water-power sites and so forth on the Potomac River—which is under the jurisdiction of the United States and over which the United States may exercise control—I concluded that the conservation bill was directed entirely against the Western States. I say "against the Western States" advisedly.

There is no provision in it that is favorable to their development, and it is only a question of how far you intend to go toward diminishing the prosperity of the country. I would not charge that it is the result of selfishness on the part of the people of the East generally. It is because they do not know about it.

But the Senator says I obstructed and defeated the passage of the Appalachian and White Mountain forest-reserve bill. I think he gives me too much credit. I was only one of many.

Mr. GALLINGER. One of two.

Mr. HEYBURN. One or two Senators can not defeat a measure in this body. A motion to take it up for consideration would be determined by a vote of the body.

Mr. GALLINGER. If the Senator will permit me, it was almost at the close of the session, when a single Senator could have defeated it, and two Senators did defeat it.

Mr. HEYBURN. Well, Mr. President, that was a question entirely foreign to the one under consideration. The question whether the Government is going to purchase or acquire property with which it parted entirely a century ago, or a great many years ago, is a large question. If we are going to buy 5,000,000 acres, why not buy all of it? Why not buy lands in the Mississippi Valley?

Mr. NEWLANDS. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. NEWLANDS. I think the Senator is under a misapprehension in thinking this bill only refers to the natural resources that are owned by the United States and form a part of the public domain. As I understand, this bill applies to all of the natural resources in the United States.

Mr. HEYBURN. Well, Mr. President——

Mr. NEWLANDS. And it provides for a conservation commission to consider this matter from the national standpoint, to enter into conference with similar commissions that are organized by the various States; and I am told that 35 such commissions have been organized by the various States.

Mr. HEYBURN. I understand that proposition very well. I understand very well the scope of the bill. The States have organized for the protection of their property and the preservation of proper conditions within their borders, and very properly so; and it is a matter that should be left very largely to the States. Such things are in the nature of police regulations for the protection and preservation of property, and it does not follow that because the States have made a provision that the Government shall make one on top of it. The very fact that the States have made a provision is an argument against the necessity on the part of the Government of making such provision. We get carried away by an enthusiasm that emanates from I know not where, and terminates only to the disadvantage of the people. There are natural resources of a country everywhere, but the natural resources are inseparable from the property and personal rights of the people. The resources were here before Columbus crossed the ocean. The natural resources of this country were just as existent when the stars sang in the morning as they are now. The natural resources of this country to be considered at all are those which affect individual prosperity and happiness. You can not separate them.

So, in discussing this question there is no use in talking about natural resources out in the desert or in the unsettled country. We are here legislating for men, not for geography. We are here to legislate for civilization, and not solitude. The question for consideration here is, How does legislation affect the people of the country who are entitled to the consideration of this body?

Mr. President, in my prophetic mind I think I see this commission, probably with Mr. Pinchot at the head of it, and if there is anything that is antagonistic to the spirit of this country it is to provide for the selection of a body of public officers to perform services without compensation. You naturally exclude from it the people who are most interested in it. You select a body of men all of whom are sufficiently provided with this world's goods to enable them to give the Government their services, and they have mighty little sympathy with the people on behalf of whom legislation should be enacted. I would rather, on a question of this kind, have the advice of the man who had not yet made his fortune than the advice of a man who has grown so rich that it made little difference to him. I have not observed that the integrity of men is increased at all by the accumulation of great wealth. I doubt if you can make the people of this country believe that because a man has grown so rich that he no longer needs the salary of a public office his virtue or his judgment has been enhanced by that process.

I do not believe the American people want a rule of that kind to be inaugurated. The Government is able to pay the salary of any person who performs a service that is for the benefit of the people and valuable to the Government.

Mr. President, I introduced the amendment in order that I might point out the vice of the amendment offered by the junior Senator from Montana [Mr. DIXON], to show that we want no such commission. We want no such masters over us, and if you do, let us have two—one for the West and one for the East. There is nothing at all similar between the conditions of the two sections of the country. If they have a class of public interests here to be conserved, let them have a board of men who are familiar with and in sympathy with those conditions, but in our country we have a different condition and I do not think we should adopt any such amendment as this.

In the first place, their powers are not clearly defined. They are an ornamental board. It will tend to make somebody a place with an air of exclusion and imperial power about it, and they will perform no function valuable to the people.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho to the amendment submitted by the Senator from Montana.

Mr. GALLINGER. Mr. President, on one point, at least, the Senator from Idaho and the Senator from New Hampshire are agreed, and that is as to the indavisability of this commission. I do not think it is at all necessary, and if the misfortune should overtake us of having the gentleman to whom the Senator from Idaho has alluded as the head of the commission, I can see that nothing but trouble would result from it. The purposes of the proposed commission seem to me to be fairly well taken care of now.

As an illustration, this amendment proposes to take care of the protection of human life in mines. We have just passed a bill establishing a great bureau, the duty of which is to take care of that matter, as well as a great many other things.

The amendment calls attention to the question of swamp lands. We made an appropriation for that very purpose this year, and we have been making, I think for the last fifteen years, an annual appropriation to investigate that very subject. And so I might go through the list. Again, there is the question of irrigation, which this commission is to investigate. I do not know what more information we want on that subject. I think we are pretty well informed regarding that—sufficiently so at least to make a very large appropriation to carry on that project and we have just voted into the bill a provision for $30,000,000 more. I did not vote for it. I was one of three who did not. But it has gone into the bill—$30,000,000 more to carry on that great scheme.

I do not like, and I confess that the Senator from Idaho is the chief offender in this respect, this constant iteration and reiteration of the statement that the Eastern States have not any special interest in these great national concerns. The Senator from Idaho has once or twice made pretty serious observations along that line, and I do not care to have them repeated without saying that for myself I repudiate them. It is true we have asked an appropriation to protect the Appalachian and White Mountains forests. We have placed it upon the ground that the flow of the streams, the navigation, to a very considerable extent, is dependent upon the protection of the forests on those hills, which are famous the world over,

It is said that that is to be a purchase and the Government is to buy it. As one distinguished man in public life said, "The Government is not buying scenery." I am not so sure about that. We have put in forest reserves in this country I do not know how many million acres. Can the Senator from Idaho tell me?

Mr. HEYBURN. Over 200,000,000.

Mr. GALLINGER. Over 200,000,000 acres, worth at least $600,000,000. If those lands had been sold in place of being put in forest reserves, the money would have gone into the Public Treasury, and North Carolina and New Hampshire would have had a share in it, as well as every other State in the Union; and when Senators say, or anyone says, we are not buying scenery, as has been said, and it has been scoffed at, the fact is that we are disposing of the money of the common people in making forest reserves that otherwise would flow into the Treasury and be used to meet the current expenses of the Government of the United States.

Mr. OVERMAN. Will the Senator yield to me?

Mr. GALLINGER. Certainly.

Mr. OVERMAN. I will ask the Senator if it was not the blood and treasure of the South and the New England States that added all these great public lands to the domain of this country; and was not the $15,000,000 paid for these lands furnished by the South and the New England States? It comes with little grace from the western men to throw up to the South and New England that they have no interest in these public lands.

Mr. GALLINGER. That is absolutely true, but it seems to be forgotten by some. Then, again, I do not know how many thousands of acres, I rather think hundreds of thousands of acres, at the present session of Congress have been donated to certain western States for school purposes, and all that sort of thing. The land belonged to the Government of the United States. North Carolina and New Hampshire had an interest in it.

Mr. HEYBURN. The West is a part of it.

Mr. GALLINGER. The West is a part of it, but the West gets all of it. That is the trouble—the West gets all of it; and the money is kept out of the Treasury of the United States, and is used for he benefit of the West.

I am not finding fault about that; but what I am finding fault about is that recently I read in the CONGRESSIONAL RECORD the morning after a day when I was necessarily absent from the Senate on public business a severe excoriation of the East by the Senator from Idaho. It was a beautiful speech, as his speeches are all beautiful in diction, but it was not a just speech toward the East. We have made no trouble. We are not opposing the West in its great projects. We are helping the West all we can, and I do not think we ought to have sectional questions raised, either as to public lands or any other subject at the present time; and I hope the Senator will not even ask for a vote upon his amendment, because it ought not to be voted upon. I do not think the Senate will put it into this bill. If this commission is appointed—I shall vote against its appointment—I know of no reason why a man from North Carolina or Massachusetts or New York or Pennsylvania or Ohio should not be placed on it as well as 15 gentlemen from the extreme western section of our country; and I do not think the Senator seriously thinks that that would be a proper thing to do. As I said, I hope the Senator from Idaho will withdraw his amendment, and that we will not enter into the controversial question as to the relations of the East or the West to the National Government.

I am sure we are all interested in every question that concerns every section of our country, and we ought to nationalize our views, and in our votes and in our expressions in this body and outside we ought not to differentiate and say that the West is getting the better of the East or the East the better of the West.

The truth is, what concerns the East concerns the West, and what concerns the West concerns the East. That is my view, and, as public men, we should keep in mind the fact that every appropriation we make that helps one section of the country helps the entire country. I want to vote for everything upon that broad national ground, and I shall continue to do so, whatever other Senators may do in that regard.

Mr. LODGE and Mr. HEYBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. HEYBURN. I merely desired to interrupt the Senator from New Hampshire.

Mr. GALLINGER. I will be pleased to be interrupted if the Senator from Massachusetts will allow me.

Mr. HEYBURN. I do not desire any preference recognition over the Senator from Massachusetts, but the Chair knew that I had risen to interrupt the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Massachusetts had been standing for some time.

Mr. HEYBURN. I want to say to the Senator from New Hampshire, before he takes his seat, that I do not attempt to array one section of the country against another, and I do not know just what remarks he refers to as having read in the RECORD for which I am held responsible. I doubtless expressed it as it appeared in the RECORD. I have not read the remarks.

But I was not attempting at any time to charge the East with being unfair in the main to the West. I have charged that certain persons in the East took somebody else's word for conditions in the West. The Senator from New Hampshire is not one of them. The Senator from New Hampshire has uniformly supported the West in its efforts for legislation that would be beneficial.

I had no intention of pressing this amendment further than to offer and discuss it. I had no intention to ask for a vote upon it, except a formal submission of it, because I think that a national commission should represent all parts of the country.

Mr. LODGE. Mr. President, I have not heard the amendment stated, but I gather from the debate that the amendment offered by the Senator from Idaho is intended to limit the representation on this proposed commission.

Mr. GALLINGER. The amendment is very brief. I will ask that it be reported, if the Senator from Massachusetts will permit me.

The PRESIDING OFFICER. The amendment will again be stated.

The SECRETARY. To the amendment of the junior Senator from Montana [Mr. DIXON], on page 2, line 7, after the word "habitability," it is proposed to insert the following proviso:

Provided, That no person shall be selected as a member of said commission who does not reside west of the one hundredth meridian.

Mr. LODGE. Mr. President, what I object to is the principle involved in the amendment of undertaking to limit anything of this sort to residence on one side of a meridian or the other. There are no meridians in my Americanism, and I draw no lines of that kind.

I am profoundly interested in the Appalachian forest bill. I believe it will be of great interest to the New England and the Southern States. It calls for a commission to investigate. I should resist to the last possible point any attempt to limit that commission to inhabitants of the Eastern States. I consider that the Senators and Representatives of the entire country are interested in that legislation, and I hope they will support it, as we have supported the irrigation legislation and to-day have voted for the reclamation loan. In the same way I feel that I am entitled, and my people are entitled, to representation in all the questions that affect the great West.

It seems to me we must not enter on this business of drawing sectional lines as to representatives on a commission which is to deal with a great national question. The prosperity of one part of this country is the prosperity of all. If it is of benefit to the West, it is of benefit to New England, and if our Appalachian bill, as I am sure it will be, is of benefit to the States of the South and the States of New England, it will all react and be a benefit to the West.

I sincerely hope the Senator from Idaho will not press an amendment which attempts to draw lines of that kind amongst citizens of the United States.

Mr. HEYBURN. Mr. President, I should not like to be put in the position that might be inferred from the remarks of the Senator from Massachusetts or the Senator from New Hampshire. I have already stated the purpose for which I made the suggestion in the nature of the proposed amendment. There is no Member of this body who would more quickly resent the idea of dividing this country into sections and in appointing a commission upon a great public question to appoint members from any one section to the exclusion of another than I would. I withdraw the amendment to the amendment.

Mr. CLARK of Wyoming. Mr. President, I am not in favor either of the amendment to the amendment offered by the Senator from Idaho [Mr. HEYBURN]——

Mr. HEYBURN. I have withdrawn it.

Mr. CLARK of Wyoming. Nor would I favor the amendment as it stands with the amendment of the Senator from Idaho withdrawn. But I shall content myself with voting against the amendment and not discussing it.

I simply rose to call the attention of the Senator from North Carolina and the Senator from New Hampshire to a possible interpretation of the remarks they have just made, to wit, that those who are opposing some of these measures are insisting that the lands of the Western States are for the Western States.

Never in any of this discussion has it been held that the lands in the West are to be used for the people in the West,

but the discussion has proceeded along the line that the lands are for use. Nowhere in this discussion has it been shown or asserted that the lands in Idaho are for the people who are living in Idaho; but it has been asserted, and I believe the true doctrine is that the policy of the Government should be to use these lands. The lands belong to North Carolina, but North Carolina should come there to use them, and because North Carolina does not come there to use them she ought not to put up the bar against their use to the people who are there. That is the proposition which the West has insisted on.

Mr. OVERMAN. I agree with what the Senator says. I have no criticism of him whatever, and I took no umbrage at what the Senator said in the discussion.

Mr. CLARK of Wyoming. That is what I wanted to make plain. The West wants the opportunity opened up to it for the use of its resources. We would welcome as much as the opening up of the opportunity the coming there of the people from North Carolina and New Hampshire or elsewhere to avail themselves of it. In other words, we want the possibilities there, so that we can get the ultimate results of men there.

Mr. BRANDEGEE. Referring to the remarks of the Senator from New Hampshire and the Senator from Massachusetts as to the so-called Appalachian bill and the White Mountain bill, I simply want to make the statement that the bill introduced by the Senator from New Hampshire, which is Senate bill 4501, was reported this morning favorably by the Committee on Forest Reservations. The title is "A bill 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." It is national in its scope. The provisions are not confined to any particular section of the country.

Mr. GALLINGER. Mr. President, I was not aware that the bill had this morning been reported. I will say, in connection with it, that I have received letters and telegrams by the hundreds during the last month or two from citizens in all parts of the country in relation to the bill. It is not for New Hampshire. As the forest reserves, those that are properly formed, in the West are for those of us from the East who may go there to enjoy them, and I go sometimes; so we expect, if we succeed in saving that magnificent Presidential Range in New Hampshire from the devastation now going on by lumber companies, that it will not be for our benefit any more than it will be for the benefit of the people of the great West, from the Middle West, from the South, and from all portions of our country.

It is in a broad sense a national matter, and I trust that when the bill which the Senator has had reported shall be called up for consideration there will be no objection to its passage. I think we ought to cooperate in all these matters, those of us from the East with those of our friends from the West and South, and do what we can to preserve the scenic beauty of our country, for those who will come after us are entitled to consideration in our legislation to-day.

Mr. BORAH. Mr. President, I have not had an opportunity to read the bill which was referred to by the Senator from Connecticut [Mr. BRANDEGEE], but on general principles I should be very glad to support a measure which has for its purpose the protecting of what is known as the Appalachian Forest Reserve. I opposed it at the last session for the reason that the bill seemed to depend upon the proposition of securing resources for taking care of the eastern reserves from the income of the western reserves, which looked something to a western man as if it was intended to make the western reserves perpetual and be a constant source of supply to take care of those in the East.

I am very much in favor of the theory of conservation, as expressed in the general policy with reference to the Appalachian Forest Reserve. I should be very glad to see it carried out. My theory of conservation and of taking care of forest lands is that those lands which are timber lands and can never be anything else than timber lands should be taken care of and be put into reserves and should be reforested, and that those lands which are distinctly agricultural lands, millions of acres of which are tied up in western reserves, should be turned loose.

There is quite a sufficient amount of land in the United States which is timber land and nothing but timber land to engage the interest and the attention of foresters and those who are interested in this matter for many, many years to come. One very well informed upon this subject has suggested that when those lands which are timber lands and fit for nothing but the production of timber are utilized for that purpose there will be no necessity for trying to reforest those lands which are agricultural. Therefore I shall join very gladly with the effort of the Senator from Connecticut to put his bill through, if it is in such a condition as to relieve it from the attachment which it had on the forests of the West.

I am not sorry that my colleague offered this amendment, in one sense, although I am not in favor of the amendment. It seems to accentuate that which our eastern friends are unconsciously doing in the West, the policy which they are carrying out in the West.

The basis of the radical conservation movement in the East is to make natural resources in the West a revenue proposition for the Federal Treasury not by sale and putting them into the hands of individuals, but by a system which will enable them to collect from year to year, for all time apparently, a certain revenue from these resources, to withhold them from entry, to keep them under the control of the Government, to secure a revenue for the Federal Treasury, and to perpetually maintain that system. It is the plan to make the western people bear a burden which their eastern brothers do not bear.

The West is not opposing, so far as I know, a reasonable and fair conservation policy, a policy which has for its purpose the dedicating of these resources to the individual welfare and the economic use of the people in the States. We will gladly join anyone in the writing of laws which will prevent waste, which will prevent extravagance, which will prevent monopoly.

We will gladly join anyone in writing laws which will conserve our forests for the benefit of all the people, and conserve our natural resources for the benefit of all the people. But those benefits must be derived, secured, and enjoyed under the system of individualism which prevails and is the basis of Anglo-Saxon civilization, and not of paternalism.

We do not propose to have the Government as a great landlord, collecting a revenue from this vast estate for years and years to come. Yet the basis of the power-site proposition, the basis of the coal proposition, the basis of the forestry proposition, is to hold that vast estate as a landlord holds his estate, to collect a revenue for the Federal Treasury. That not only imposes upon the people of the West a tax which the people of the East would not have, but it deprives the people of the West of the opportunity to secure taxes for their county and their state governments, to maintain commonwealths, and to insure individual prosperity.

We do not find fault with such conservationists of the East as the Senator from New Hampshire or those who are in favor of carrying on the policy which has so far been instrumental in building up the most distinct civilization in the world to-day. We object, and it is against that which we are contending, to the proposition which would dedicate, for illustration, our power sites to a revenue-producing proposition for the Federal Treasury.

Governor Hughes, of New York, has suggested that he plans to secure to the treasury of the State of New York millions of dollars from the developed power capacity of the Hudson River. I believe in that policy of conservation. It develops and puts to use these resources under such regulation and control as will protect the people. But, on the other hand, it is said that while the Hudson River is paying thousands or millions into the treasury of the State of New York, the State of Idaho, one man has estimated, in a few years will be paying $9,000,000 into the Federal Treasury. By reason of building a canal between the Illinois and Des Plaines rivers it is estimated that there will be an income from the power developed on that canal of $4,500,000 going to the Illinois treasury.

I believe in that theory, and that these things should be regulated and controlled. But while that $4,500,000 is going into the state treasury to reduce the taxes and the expenses of the people of the State of Illinois, the State of Idaho and the State of Oregon and the State of Washington, under the system which is submitted to us, will not only be deprived of that income, but in addition to that they will be deprived of the property itself for taxing purposes, while at the same time paying the license tax to the Federal Government, for the masses of the people, the ultimate users, will have to pay it in the end. It is not, therefore, Mr. President, that I would see the lines drawn in the appointment of officers, but the amendment offered serves the purpose of accentuating the real difference between what we say and the effect of it in this matter of conservation, so far as the Western States are concerned. I am not going to discuss that further, but I hope before the session closes to discuss the conservation question at some length.

Now, Mr. President, just a word with reference to the bill which is before the Senate—the withdrawal bill. I agree in a very large measure—in fact, I may say I agree with the views which have been expressed by some who I take it are going to vote against the bill; but I am not prepared myself to cast my vote against this withdrawal bill, although it, in a measure, embodies a policy which I do not approve. But the situation is

this: These lands are being withdrawn. They are now withdrawn to a very large extent. Aside from the forest reserves, which cover one-third of the State, we have 128,000 acres of power sites withdrawn. This power of withdrawal has been exercised and is being exercised. Therefore, if the power is to be exercised, if the withdrawals are to be had, it seems to me entirely proper that Congress shall make the rule and prescribe the method by which the withdrawal shall be had.

I am frank to say that if this were introducing a new policy, if it was the initiation of a new system, if this was the first step in the withdrawal proposition, I should certainly hesitate to give the power to the President. But it is a policy which has grown up in the last five or six years. It has been exercised, and is being exercised, to the great injury of the West, largely because of the irregular, indefinite, and, in my judgment, illegal way in which it has been done.

If it is to be carried on, I think it better that Congress shall prescribe the rule and protect the situation as best it may by the rules which are prescribed. I know, too, that if we are to judge correctly from the public press, and I know also from the President's message that the Executive is doubtful of his authority to withdraw public lands without authority of law. I am inclined to think that if he were not an Executive and placed in a position where he feels that he must, to some extent, exercise the power in what he deems an emergency he would have no hesitancy in saying that such a power does not exist.

My observation, Mr. President, is that one who hesitates to exercise a doubtful authority will not abuse power when it is given to him. As this system exists, and as it seems certain that it is to be continued, it is far better that we prescribe a rule which will protect the miner, which will protect the homesteader, as this law does, which will protect the desert entryman, as this law does, than to permit the matter to go on outside of the pale of the law and under such conditions that the settler must necessarily suffer a greater loss by reason of the irregular and illegal and undefined and unknown method in which it is being carried on.

As I said, this law protects to a large extent the mining interest, as it should do. It protects those homestead entries which have been made in good faith, and the desert entries which have been made in good faith, and to that extent it is far better than the present situation. In addition to that, we will now know what the law is. It is prescribed; it is definite; it is upon the statute book; and those who are settling in the West can take into consideration to some extent the rule which has been prescribed.

For this reason, while I do not disagree with the general proposition that the withdrawals should not be had to the extent to which they have been had, while I do not disagree for a moment with the proposition that in so far as they have been had they have been illegal, and while I am as heartily in favor, I think, as anyone in the settlement of the West, I believe we are dealing with a condition which necessitates some concession upon this proposition. Having faith in the present Executive not to abuse the power which is here given, and knowing that it is less power than that which has been exercised, I shall cast my vote for this withdrawal bill.

I may say also that I sincerely hope that the next Congress will so redraft our land laws so as to enable us to repeal this law extending this authority. But I do not believe it right to leave the President in a position where some action in this respect is demanded by so many of our people without a prescribed rule for action by the only power which can prescribe this rule—the Congress.

The PRESIDING OFFICER (Mr. PAGE in the chair). The question is on the adoption of the amendment of the Senator from Montana [Mr. DIXON] to the amendment of the committee.

Mr. JONES. I wish to ask if it is understood that the amendment I offered has been adopted as a part of the amendment of the Senator from Montana.

The PRESIDING OFFICER. It has been accepted.

Mr. DIXON. I accepted it as perfecting the amendment.

Mr. HUGHES. I do not understand that the Senator can accept it and thereby adopt it.

Mr. DIXON. I accepted it as perfecting my amendment, which I had a right to do; and I made it a part of the amendment which I offered, so far as that goes.

Mr. HUGHES. That makes the Attorney-General ex officio a member of this commission. I wish to inquire why, of all the officials, he should be made a member of this commission?

Mr. JONES. I will state that my purpose is to make the legal part of the Government a part of the commission, so that in the determination of these questions the legal power of the National Government and the state government may be taken into consideration in forming a report, because, as I stated at the time, it seems to me one of the greatest obstacles to the development of something along the line of conservation that is desired really by the people has been frustrated by those enthusiasts who have no regard to the legal limitation of the national and state governments. It was the hope that with the legal department of the Government represented on this commission, any report or recommendation they might make would take into account the legal powers and limitations respecting sovereignty.

Mr. HUGHES. I did not hear the statement of the reasons of the Senator. I wish to call the attention of the Senate to the fact that this is an omnibus commission. It is the most marvelous commission that was ever framed. It does everything, everywhere, to everybody. It delves into the beauties of landscape; it regulates navigation on the rivers; it investigates the milk houses on the springs upon the mountain side; and I have no doubt that when it has discharged the full measure of its duty it will determine what steamer first crossed the Atlantic, and will probably settle the vexed question whether a steamer which folds its paddles when it passes out on the river on the one side and stores them away until it arrives at the other side is a steamer or is a sailboat.

Consider language and the things that are to be done, and then reflect whether you want to laden the measure which we are here considering with a creation of this character. Certainly we ought to limit the area and find fifteen men whose heads will be big enough to grasp the multiplicity of questions that are turned over to them to be disposed of in the time designated—

> Conservation, use, and control of the water resources of the United States for navigation, irrigation, municipal supply, power, and swampland reclamation, to the prevention of floods and the maintenance of stream control, to the prevention of waste in the mining and extraction of coal—

a thing for which we have just created a bureau which has not yet gotten into action, and we now set this commission to work to do the same thing—

> oil, gas, and other minerals to the protection of human life in the mines, and to the prevention of erosion and soil wash—

a thing that some of us had learned is what created the loam of the fields and made them fertile and worth cultivating.

> To the conservation of the forests, to the preservation of the public domain for home seekers, to the protection of the timber, coal, iron, and oil lands of the United States against absorption by monopoly; and for the investigation of all other questions relating to the conservation of the natural resources of the United States for the preservation of its beauty, healthfulness, and habitability.

Now, what is there left for any commission or bureau when this commission shall have fully discharged its ample and extensive duties? I do not think that a commission of that kind should be created at all. It is going to be a source of all sorts of complications and difficulties, for it is authorized to investigate things which do not fall under federal supervision and never can investigate. Yet they are turned over to this commission, and that is made a part of this bill.

I submit that if the commission is to have these vast and multiplied powers then we should have a bill creating it, standing solely upon its own merits and open to discussion, and it should not be brought in here one day and voted the next. It ought to be presented here for consideration in a separate measure, and it ought not to be made a part of the measure which we are considering.

For that reason and for other reasons that are patent I think that a commission of this kind ought not to be made a part of the bill we have under consideration.

The PRESIDING OFFICER. The Chair understands that the amendment offered by the Senator from Idaho to the amendment has been withdrawn. The question is, therefore, on the amendment offered by the Senator from Montana to the amendment of the committee.

Mr. HEYBURN. I withdrew the amendment to the amendment some time ago.

Mr. NELSON. The amendment introduced by the Senator from Montana has not been reported nor recommended by the Committee on Public Lands and has not had any consideration. In view of that fact I move to lay the amendment to the amendment on the table.

The PRESIDING OFFICER. The Senator from Minnesota moves that the amendment offered by the Senator from Montana to the amendment be laid on the table. [Putting the question.] The noes appear to have it.

Mr. NELSON. Let us have a division.

Mr. GALLINGER. I think we had better have the yeas and nays. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the Senator from Kentucky [Mr. PAYNTER], and therefore withhold my vote.

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer my pair to my colleague [Mr. BANKHEAD], and vote "yea."

Mr. SCOTT (when his name was called). I announced my pair this morning, and it will stand for the day, with the senior Senator from Florida [Mr. TALIAFERRO].

Mr. OVERMAN (when Mr. SIMMONS's name was called). I again announce that my colleague [Mr. SIMMONS] is unavoidably absent. He is paired with the junior Senator from Minnesota [Mr. CLAPP].

While I am on my feet I desire to announce, and I will not announce it any more to-day, that the junior Senator from Louisiana [Mr. FOSTER] is unavoidably absent, and is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. SMITH of South Carolina (when his name was called). I am paired to-day with the senior Senator from Massachusetts [Mr. LODGE]. I will not announce the pair again during the day.

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] has a pair with the Senator from Virginia [Mr. MARTIN]. I will allow this announcement to stand for the day.

The roll call was concluded.

Mr. WETMORE. My colleague [Mr. ALDRICH] is unavoidably detained from the Chamber. He is paired with the senior Senator from Arkansas [Mr. CLARKE]. I make this announcement to stand for the remainder of the day.

Mr. BRISTOW. I wish to state that if the senior Senator from Wisconsin [Mr. LA FOLLETTE] were here he would vote against laying the amendment to the amendment on the table.

Mr. CLAY. I announce my pair with the junior Senator from New York [Mr. ROOT]. I transfer that pair to the junior Senator from Florida [Mr. FLETCHER], and vote "yea."

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. In his absence, I withhold my vote.

The result was announced—yeas 37, nays 19, as follows:

YEAS—37.

Borah	Curtis	Johnston	Smith, S. C.
Bradley	Davis	Kean	Smoot
Brandegee	Dick	Lodge	Stephenson
Briggs	Flint	Money	Taylor
Brown	Frye	Nelson	Warner
Bulkeley	Gallinger	Oliver	Warren
Burnham	Gamble	Percy	Wetmore
Clay	Hale	Perkins	
Crane	Heyburn	Piles	
Cullom	Hughes	Shively	

NAYS—19.

Beveridge	Carter	Frazier	Overman
Bourne	Cummins	Gore	Owen
Bristow	Depew	Jones	Page
Burkett	Dixon	Newlands	Purcell
Burton	Dolliver	Nixon	

NOT VOTING—36.

Aldrich	Crawford	La Follette	Root
Bacon	Culberson	Lorimer	Scott
Bailey	Daniel	McCumber	Simmons
Bankhead	Dillingham	McEnery	Smith, Md.
Burrows	du Pont	Martin	Smith, Mich.
Chamberlain	Elkins	Paynter	Stone
Clapp	Fletcher	Penrose	Sutherland
Clark, Wyo.	Foster	Rayner	Taliaferro
Clarke, Ark.	Guggenheim	Richardson	Tillman

So the motion to lay Mr. DIXON's amendment to the amendment on the table was agreed to.

Mr. CARTER. Mr. President, I offer an amendment to the committee amendment, which I send to the desk.

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

The SECRETARY. After the word "Congress," in line 24, page 3, it is proposed to insert:

And provided further, That it being the policy of the United States to encourage and not to restrain the milling, reduction, and smelting of metalliferous ores, any injury to the public lands or the national forests of the United States resulting from any of such operations shall be compensated for in damages to be recovered in an action at law.

The amendment to the amendment was rejected.

Mr. GUGGENHEIM. I offer the amendment which I send to the desk.

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

The SECRETARY. In section 2, page 3, line 10, of the committee amendment, after the words "passage of this act," it is proposed to insert:

And provided further, That the rights of any person or persons who, prior to the passage of this act, have made valuable improvements for water-power purposes shall not be impaired or interfered with by being included within the land so withdrawn.

Mr. SMOOT. I move to lay the amendment on the table.

Mr. GUGGENHEIM. I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. HEYBURN. Mr. President, I am rather surprised that a motion should be made to lay this amendment on the table. What is the purpose? Is it that the Government shall have the right to tear down existing work, that has been constructed under the laws as they exist?

Mr. FRYE. The motion is not debatable.

Mr. HEYBURN. The amendment certainly goes no further than to provide that the works that have already been constructed shall be protected. Is it proposed to come in and take without compensation and process of law property lawfully obtained? The amendment does nothing more than protect such property.

The PRESIDING OFFICER. The Chair suggests to the Senator from Idaho that a motion to lay on the table is not debatable.

Mr. HEYBURN. Having had my attention called to it, Mr. President, I shall, of course, accede to the rule of the body, with which I have some familiarity.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah [Mr. SMOOT] to lay the amendment of the Senator from Colorado [Mr. GUGGENHEIM] on the table.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

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

The SECRETARY. On page 2 of the proposed amendment of the committee, line 1, after the word "discretion," it is proposed to insert:

If he shall consider any of the lands referred to in this section more important for the purposes for which they may be reserved, as provided in this section, than they are for settlement, location, sale, or entry.

Mr. BRANDEGEE. Mr. President, I hope the chairman of the committee will accept the amendment. I offer it because the Senator from Colorado [Mr. HUGHES] yesterday, in his very able argument on this bill, pointed out what I consider to be a danger to the bill in its present form, which this amendment may relieve. It seems to me that as to his point, that the Constitution, in conferring upon Congress the exclusive right to the disposition of the public lands, prevented Congress from delegating that power to the discretion of the President, if this amendment should be inserted—at least long enough for the conference committee to consider whether it is necessary or not—it might relieve the bill from the objection raised by the Senator from Colorado.

Mr. SMOOT. Mr. President, I will say that the provisions of this amendment have been considered by the committee and also by the subcommittee for hours, and I certainly hope it will not be accepted. I move to lay the amendment on the table.

The motion was agreed to.

Mr. GORE. Mr. President, I offer the amendment to the pending bill which I send to the desk.

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

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, including lands acquired from religious orders or otherwise, excepting timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person, and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfer of rights and title of inheritance under the laws for the distribution of the estate of decedents: *Provided, however*, That this section shall not be construed to validate any such sales heretofore made in excess of the limitations prescribed by section 15 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902.

Mr. GORE. Mr. President, the tariff act, which was passed in August last, admitted 300,000 tons of sugar free of duty into the United States from the Philippines. It also provided for the admission of a large quantity of manufactured tobacco free of duty. I do not know whether or not those provisions stimulated

land values in the Philippine Islands, but since that time there has been great activity in the purchase of public lands—I mean those which are known as the friar lands.

Mr. President, the object of this amendment is to embrace the friar lands within the public domain of those islands. Section 15 of the organic act limits the amount of public lands which any individual citizen can acquire to 40 acres, and it limits the amount which any corporation can acquire to 2,500 acres. Section 64 of the organic act authorizes the acquisition of what are known as the friar lands. In pursuance of that section the friar lands, comprising many acres and costing a vast sum of money, were acquired. Section 65 of the organic act authorizes the Philippine government to dispose of land acquired from religious orders subject to the limitations contained in the act, intended beyond doubt to limit the amount of friar lands that could be disposed of to any individual citizen to 40 acres, and the amount which could be disposed of to a corporation to 2,500 acres. But the Attorney-General of the United States, as I am informed, has construed or misconstrued section 65. He holds that the section does not limit and restrict the amount of friar lands which can be acquired either by an individual or a corporation.

The object of this amendment is to embrace the friar lands in the general law and to limit the disposition of those lands as the public domain is limited. In other words, the only change made by the proposed amendment is that the friar lands can not be alienated in larger quantities than 40 acres to an individual, nor in larger quantities than 2,500 acres to any corporation. There certainly can be no good reason for applying such a restriction to the public domain and refusing to apply the same limitation to the public lands acquired from the friars. It is just as essential to the welfare and prosperity of those islands that land monopoly should be prohibited in the one case as in the other. The same reasons would justify the application of this limitation to the friar lands which justify the limitation with respect to the public domain. It was undoubtedly the intention of Congress that the same restriction should apply to both characters of land, because section 65 expressly provides that the friar lands, or the lands acquired from religious orders, shall be disposed of subject to the limitations contained in the act.

Now, sir, as I am informed, a tract of 40,000 acres was disposed of to one concern in December last. My information is that the purchasers were the American Sugar Refining Company. Since that time another large tract has been conditionally disposed of to another concern, as is alleged, extensively engaged in the production and manufacture of tobacco. But, sir, whether or not the friar lands were disposed of to the sugar trust or to the tobacco trust is immaterial, so far as the policy outlined in the organic act is concerned.

The purpose of that measure was to conserve the public domain and to see that it passed in small quantities into the hands of individual citizens. They certainly constitute the best guaranty of good government and of civil liberty in every community and in every State.

Congress should not hesitate to extend its protection, while it will be availing, to the government and to the people of those islands. We should not be content to insist upon conservation in the United States and to permit exploitation in the Philippine Islands. I can see no objection to the proposed amendment, and I trust that it will be adopted.

Mr. SMOOT. Mr. President, the subject-matter of the amendment offered by the Senator from Oklahoma [Mr. GORE] has never been referred to the Committee on the Philippines or considered by that committee, nor has it ever been considered by the Committee on Public Lands. Therefore I move that the amendment be laid upon the table.

The PRESIDING OFFICER. The Senator from Utah moves that the amendment offered by the Senator from Oklahoma be laid on the table.

Mr. GORE. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah, to lay the amendment of the Senator from Oklahoma on the table. [Putting the question.] The "ayes" seem to have it; and the amendment is laid on the table.

Mr. STONE. Mr. President, I ask for a division.

The PRESIDING OFFICER. The Senator from Missouri asks for a division.

Mr. BACON. Mr. President, I hope the Senate will concede the Senator from Oklahoma the privilege of having a yea and nay vote.

Mr. LODGE. Mr. President, that is not an arguable question. The yeas and nays have been refused.

Mr. BACON. I am not attempting to argue it; I am making an appeal to the Senate.

Mr. LODGE. I ask for the regular order, Mr. President. The Senate is dividing.

The PRESIDING OFFICER. The regular order is demanded. The question is on the motion of the Senator from Utah [Mr. SMOOT] to lay on the table the amendment of the Senator from Oklahoma [Mr. GORE], on which a division is demanded.

The question being put, there were on a division—ayes 24, noes 13.

The PRESIDING OFFICER. The motion is agreed to.

Mr. STONE. What was the vote, Mr. President?

The PRESIDING OFFICER. Ayes 24, noes 13.

Mr. STONE. I make the point of no quorum on that vote.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

Mr. LODGE. Mr. President, a dividing vote does not disclose the presence or absence of a quorum. There may be an abundance of Senators here.

Mr. BEVERIDGE. Still, the Senator from Missouri [Mr. STONE] has suggested the absence of a quorum.

Mr. LODGE. The suggestion of the absence of a quorum brings a roll call, of course; but it does not alter the vote.

Mr. STONE. No quorum has voted. I make that point.

Mr. BEVERIDGE. Regular order, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

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

Bacon	Clark, Wyo.	Gore	Perkins
Beveridge	Clay	Guggenheim	Piles
Borah	Crane	Heyburn	Purcell
Bourne	Crawford	Johnston	Shively
Bradley	Cullom	Jones	Smith, Md.
Brandegee	Cummins	Kean	Smoot
Briggs	Curtis	Lodge	Stephenson
Bristow	Depew	McEnery	Stone
Brown	Dick	Money	Taylor
Bulkeley	Dixon	Nelson	Warner
Burkett	Flint	Newlands	Warren
Burnham	Frazier	Oliver	Wetmore
Burton	Frye	Overman	
Carter	Gallinger	Page	
Clapp	Gamble	Percy	

The PRESIDING OFFICER. Fifty-seven Senators have responded to their names. A quorum of the Senate is present.

Mr. STONE. Now, Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his question of order.

Mr. STONE. I ask for another division, the call of the Senate having disclosed the presence of a quorum.

The PRESIDING OFFICER. The Chair is of opinion that the call is not warranted, and the Chair has decided that the vote to lay on the table is carried.

Mr. STONE. Mr. President, I rise to a question of order, and before the Chair rules on it I desire briefly to be heard.

There was a division called for and had. Thirty-seven Senators voted—24 one way and 13 the other way. A point of order was made that a quorum had not voted. I wish to insist upon it that a division is equivalent in parliamentary effect, as I conceive it, to a yea-and-nay vote. If there had been a yea-and-nay vote and only 37 votes had been cast, I think the question that no quorum had voted would have been well taken. If so, it is equally well taken on a division. When a Senator rises here, upon his mere suggestion that no quorum is present, the business of the Senate is arrested until the ascertainment of the presence of a quorum has been had; but to say that upon a yea-and-nay vote of the Senate or upon a division of the Senate, when the absence of a quorum is, in itself, in that official way disclosed, a Senator can not insist that a quorum is not present and that a quorum has not acted, seems to me untenable. Therefore, I again ask, after the presence of a quorum has been secured, that the division be again had. I think the point is well taken.

Mr. LODGE. Mr. President, under the rules, of course, as everybody knows, a roll call, whether for the purpose of developing a quorum or for a vote, discloses the presence or absence of a quorum. A division is never held to disclose the presence or absence of a quorum. It is not necessary to show a quorum on a division. The vote on the division is final. There came a call for a quorum immediately afterwards, and it appeared there was a quorum present. I have never seen any parliamentary body where a division, that is a rising vote, was held to disclose the absence or presence of a quorum. There may be an ample quorum present, and less than a quorum may rise to vote.

Mr. STONE. Mr. President, will the Senator permit me just a word by way of interrogation? The Senator from Massachusetts says that the roll call immediately following the division disclosed the presence of a quorum.

Mr. LODGE. Certainly.

Mr. STONE. But the roll call was had after the division. Now, a roll call might have been delayed, as it often is, as the Senator knows, for a long time, and Senators may be sent for and brought in from the outside, or they may come in voluntarily from the outside into the Chamber and thus make a quorum. But if they were not present when the division was had, there was no quorum.

Mr. LODGE. I still insist that the ruling of the Chair was correct; that it is not necessary to show a quorum on a rising vote, and that it does not disclose the presence or absence of a quorum. Nothing can do that except a call of the roll.

Mr. BACON. It is not a matter of very great importance, I presume, in this particular instance, but it is important that we should have correct methods of procedure recognized and enforced. I do not know how far my opinion may be of any value, but I have not a shadow of doubt upon the question that whenever in any way a matter is called to the attention of the Senate for its determination, if it is disclosed that less than a quorum has voted the action is invalid.

The most fundamental of all propositions is that a quorum is necessary to do business. Different bodies have different rules as to what shall constitute a quorum. In England, in the House of Commons and the House of Lords, in either, as I understand, a very small percentage of its total membership is necessary to constitute a quorum. But our rules specifically provide that a majority shall be necessary to constitute a quorum.

What does that mean? That a majority shall be necessary to make any action valid; and it is absolutely revolutionary, Mr. President, to hold that when a vote is taken in a way to disclose that less than a quorum have voted, that that shall be binding upon the majority.

Mr. LODGE. Will the Senator allow me?

Mr. BACON. Certainly.

Mr. LODGE. The presence of a quorum is all that is required.

Mr. BACON. I very well understand that, and the presumption is——

Mr. LODGE. But the Senator says that a quorum must vote. That is not what is required. It is the presence of a quorum.

Mr. BACON. What I am about to say shows what I mean in that regard.

Mr. LODGE. Mr. President——

Mr. BACON. I hope the Senator will pardon me for a moment until I finish my statement.

Mr. LODGE. Certainly.

Mr. BACON. Whenever there is a vote called in such a way as to individualize the membership, as is done either by a division or a roll call, the presumption is that every man present votes.

Mr. LODGE. Let me ask the Senator there——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. Yes.

Mr. LODGE. There are many Senators sitting here on both sides who are bound by pairs, who can not vote on a division, but who are here present, and their presence constitutes a quorum; and if there is a full quorum present, and only ten men vote on a division, that is a decisive vote. It is the universal practice in the House. It is the universal practice here. I never saw it questioned before.

Mr. BACON. The Senator forgets. It is a very common practice, when a vote is taken and Senators are paired and less than a majority vote, for Senators to rise in their places and to say, "In order to make a quorum, I will disregard my pair and vote." The Senator has heard that a hundred times in the Senate. That is a common everyday occurrence.

Mr. LODGE. That is when there is a roll call and every vote is necessary to make a quorum; but paired Senators do not rise on a division.

Mr. BACON. The Senator will pardon me a moment——

Mr. LODGE. They are present. We had that little fight out once in the House, about what constitutes a quorum.

Mr. BACON. The unfortunate thing is the effort to introduce the methods of the House into this body.

Mr. LODGE. Not at all. This has been the universal method in the Senate ever since I have been here.

Mr. BACON. The Senator will pardon me a moment. I heard him without interrupting him at all. I must certainly be allowed to state my proposition.

Mr. President, the proposition of the Senator was that the presence of a quorum was all that was needed, whether a majority voted or not. That is the Senator's proposition, and in response to that proposition I called the attention of the Senate to the fact that it is a most usual occurrence when there is a vote—not a roll call, because upon a roll call pairs are not announced; it is upon a vote that pairs are announced—I say, certainly so long as I have been in the Senate, and I presume from the foundation of the Government or from the origin of pairs it has been a common thing, when a yea-and-nay vote is taken and less than a quorum vote, for Senators who are present and who are paired to get up and say: "Mr. President, in order to make a quorum, I will disregard my pair this time. I will take the liberty of doing that and of voting."

Why, if the position of the Senator from Massachusetts is correct, all that it would be necessary for a Senator to say is, "I am present to be counted for a quorum." But that has never been recognized. It is beyond possibility of proof by any precedent that upon a yea-and-nay vote called in the Senate, when less than a majority of the Senate voted on a yea-and-nay vote, that it has been recognized as decisive of the question. On the contrary, when a yea-and-nay vote is called and Senators do not respond "yea" or "nay" to the extent of a quorum, the universal recognition is that a quorum is not present——

Mr. LODGE. That is on a roll call.

Mr. BACON. Or present and not voting, and consequently not constituting a legal quorum for the decision of the question.

The Senator from Massachusetts was not in when I made the statement, and I will repeat it, that if it were true, as stated by him, that the presence of Senators was all that was required, it would never be necessary when a yea-and-nay vote is taken and less than a quorum vote——

Mr. LODGE. Mr. President——

Mr. BACON. Will the Senator permit for a moment?

Mr. LODGE. But the Senator is misquoting me, and I will not permit him to continue to misquote me.

Mr. BACON. I do not think I have misquoted the Senator, and if I have I will be glad to be corrected.

Mr. LODGE. I said the presence of a quorum was required when a roll call was had.

Mr. BACON. Very well; and it made no difference whether they answered or not?

Mr. LODGE. It does make a difference on a roll call, but a quorum is not required to vote on a division.

Mr. BACON. The Senator said that in response to the suggestion I made of a fact known to all that Senators disregard their pairs in order to make a quorum. The reply was that pairs were never announced on a roll call, but only on a vote. Consequently the presence of a man is not sufficient when a vote is by yeas and nays. It is necessary that there should be recorded in the yea-and-nay vote in the aggregate a majority of the Senators.

Mr. LODGE. This is not a recorded vote.

Mr. BACON. I am illustrating by that. I say that is——

Mr. LODGE. I will wait until the Senator finishes.

Mr. BACON. I say it is true when a yea-and-nay vote is called, and undoubtedly true, and nobody can possibly gainsay it.

Mr. LODGE. Nobody questions it.

Mr. BACON. Whenever a yea-and-nay vote is called a majority of the Senators must vote either yea or nay. In other words, the yea-and-nay vote, taken in the aggregate, must constitute a majority. Why? Because less than a majority can not decide a question, and when a yea-and-nay vote is taken the fact is disclosed that less than a majority has voted. Is the principle any less valid when the vote is taken by a rising vote, showing that individuals do not vote to the extent necessary to constitute a majority?

I do not see, Mr. President, how there can be any possible question about it. When a viva voce vote is taken, the assumption is that all who do not vote in the negative vote in the affirmative, and it is for the very reason that that is frequently difficult of ascertainment that a division is called for, in order that there may be an accurate ascertainment, just as accurate ascertainment as there is when a yea-and-nay vote is called.

Except in the interest of correct procedure, I care nothing about this, but it is a serious matter when you come to talk about it as a matter of general application.

According to the contention of the Senator, if there was a division called, and three men voted, two "yea" and one "nay," it would be conclusive of the question. It would be just as conclusive and just as binding as if 24 vote one way and 13 the other. There is not a particle of difference in the principle. Whenever there is one less than a quorum, there is not a body present to do business. Whenever upon a call for a vote less

than a quorum vote, it is not decisive upon the body. And I say, Mr. President, it is a most serious matter and ought not to be established as a precedent in this body. It is indefensible in my opinion. It can not be defended upon any principle of parliamentary law.

Mr. CLARK of Wyoming. Mr. President, I rise on this question for the reason that what I consider one of the most important of all the amendments that have been proposed to this bill was defeated by a vote of 12 to 7, I think, on a rising vote. At that time I believed a quorum should have been called for. However, I did not insist upon it.

But I desire to ask the Senator from Massachusetts what is accomplished in the calling of the roll of Senators by name, so far as a quorum is concerned, that is not also accomplished by counting the Senators as they rise upon the floor? In other words, if a quorum is to be determined by the question of how many As, Bs, and Cs by name are present, would it not also be determined by a counting of A, B, and C, although their names were not recorded?

Mr. LODGE. The difference, as I understand, is that the roll call——

Mr. CLARK of Wyoming. Just a moment——

Mr. LODGE. I beg the Senator's pardon. I thought he was through.

Mr. CLARK of Wyoming. I suppose in correct practice the announcement of the Chair is the same; that is, the announcement of the number of yeas and of the number of nays. The announcement of the Chair records the vote in both cases as to the number in the affirmative and the number in the negative.

Mr. LODGE. The answer to the name on the roll call is of course absolute proof of the presence, and the failure to answer is supposed to be absolute proof of the absence of the several Senators as they are called.

It does not follow because 35 men rise that there is not a quorum in the Chamber. A quorum is not necessary to vote on a division vote. It is the presence of a quorum that is necessary. We pass bills here—hundreds of bills—we transact all sorts of business, with 1, 2, 3 votes, perhaps no votes, on the assumption that there is a quorum present. Nothing can disturb that assumption except on a roll call.

Mr. CLARK of Wyoming. That is where I want to get the authority.

Mr. LODGE. I am coming to that.

Mr. CLARK of Wyoming. Would not the individual count by the Chair disturb that assumption the same as the roll call?

Mr. LODGE. In the House the practice, arising out of the contest of many years ago, is for the Chair to count so many present and not voting.

Mr. CLARK of Wyoming. Is it not the custom in the House for the Members to answer "Present?"

Mr. LODGE. No; not necessarily.

Mr. CLARK of Wyoming. But is it not a custom and is it not the rule?

Mr. LODGE. No; I think not a rule. I think it was established——

Mr. CLARK of Wyoming. How comes it, then, that we see in the RECORD so many yeas, so many nays, so many answering "Present?" It is either a custom or a rule; one or the other.

Mr. LODGE. That does not deprive the Chair of the right to count a quorum.

Mr. CLARK of Wyoming. I know that; but we count no quorum here.

Mr. LODGE. That question I do not think is involved here.

Mr. CLARK of Wyoming. We very seldom have one here to count.

Mr. LODGE. I do not think that question is involved here. I have never seen it held in the Senate that a rising vote had any effect as to disclosing a quorum any more than a voice vote disclosed the presence or absence of a quorum. The only thing that can disclose the presence or absence of a quorum is the roll call. The mere fact that the Chair states that so many rose does not prove that there is not a quorum present and doing business.

Mr. CLARK of Wyoming. The mere fact that the roll call does not disclose an answer by all those who are present does not disclose that fact either, and yet, unless answers are actually made, there may be here 90 members of the Senate and a quorum is said not to be present.

My contention is that the counting of the individuals by the Chair answers the same purpose as to the transaction of business that the responses of the individual Senators do when they are called upon the roll.

Mr. LODGE. But the Chair does not count all the Senators present. He counts only those who rise. There may be an ample quorum present, but when there is a roll call it is the assumption here that unless a Senator answers to his name he is absent. He certainly is not present for the purpose of making a quorum.

Mr. BEVERIDGE. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. The Senator has all these matters at his finger tips. Have there not been precedents, erroneous, as some of us think, that the Chair may count the presence of a Senator who declines to vote or answer to his name? If so, what is the effect of that upon this matter?

Mr. LODGE. I never knew of that being done in the Senate.

Mr. BEVERIDGE. The Senator will recall that in the case of a vote upon the emergency-currency measure that question arose. It was debated a little while, and the occupant of the chair counted as present a Senator who had not voted.

I think it was also done once before; possibly several times.

Mr. BACON. I recollect——

Mr. LODGE. I have no doubt of the right of the Chair to do it, but I was not here when it was done.

Mr. BEVERIDGE. That was done.

Mr. BURKETT. If the Senator from Massachusetts will let me make a suggestion to him, I have been looking over the precedents while this discussion has been going on. I find that ever since 1858 the Chair has been counting a quorum. It began when Mr. Breckenridge was Vice-President and in the chair, in 1858, when the Senate was considering the question of the admission of Kansas. The Vice-President stated, in a ruling on a motion to adjourn "that the number of Senators voting did not constitute a quorum of the Senate, but that in the opinion of the Chair a quorum was present in the Chamber."

Senator Carpenter, in 1874, held to the same effect that a quorum could be counted by directing the Secretary to count to see if a quorum was present. Senator Thurman held to the same effect in 1879. On the motion 32 voted yea and 3 voted nay. Senator Thurman, as President pro tempore, counted and announced a quorum present. In fact, there are quite a number of those precedents. The only one that I have found otherwise is on an occasion when the Senator from Georgia [Mr. BACON] was in the chair, when he held that it was not possible to count a quorum. But in all the other precedents that I have found it is held that the President can count a quorum, and that the vote that is cast does not determine the presence or absence of a quorum.

Mr. LODGE. Mr. President——

Mr. BURKETT. It seems to me, if I can just finish that——

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. LODGE. I have the floor.

Mr. BURKETT. If I can finish that sentence——

Mr. LODGE. I yield to the Senator from Nebraska.

Mr. BURKETT. It seems to me that the presiding officer having declared the result of the vote, he must, whether so announced or not, have decided that a quorum was present. It is presumed in fact that a quorum was present, because no one had previously raised the question. Then, after the vote was announced, some member of the Senate apparently doubted that presumption and the Chair's decision and he called attention to his belief that there was no quorum present. The presiding officer said, "Call the roll." The roll was called, and that demonstrated that the count of the President and the presumption was right and that a quorum was present. To be sure a quorum had not voted, but a quorum was present. All these precedents hold that it is not necessary for a quorum to vote, but merely for a quorum to be present.

Now, the presiding officer, in announcing that vote and declaring that the amendment was carried, at the same time announced that in his judgment as presiding officer a quorum was present, and when it was doubted by a Senator the roll call also disclosed a quorum and verified the Chair's opinion.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. BURKETT. I am obliged to the Senator from Massachusetts.

Mr. WARREN. Mr. President——

Mr. LODGE. I yield to the Senator from Wyoming.

Mr. WARREN. I wish to ask the Senator from Nebraska one question only. He seems to have looked over the precedents.

Mr. BURKETT. Very hurriedly, I will say to the Senator.

Mr. WARREN. Has the Senator found anything that would traverse the general understanding and rule as I understand

the parliamentary practice in this body that there is always a quorum present until it is directly challenged or charged that there is not?

Mr. BURKETT. A quorum is always presumed to be present until the point is directly raised.

Mr. LODGE. I am very much obliged to the Senator from Nebraska for citing that precedent. I confess I did not at the moment recall it. I think it entirely sustains the position I have taken, and that is that a quorum is assumed to be present; that neither the rising vote nor the voice vote discloses the presence or the absence of a quorum; that if less than a quorum rise, the assumption is that a quorum is present, and that the Chair assumes the presence of a quorum. If it is doubted, as it is in this case, and a quorum is developed, that it can only be developed on the roll call, and all those precedents sustain the view I took, that it was entirely within the province of the Chair here, as I think it is in the province of the chair anywhere, to count a quorum, if it count Senators present who do not vote, unless it is a roll call.

Mr. BACON. Mr. President, I have no doubt in the world, without having the books before me, that if the Senator from Nebraska will examine the precedents to which he confidently alludes he will find that in each case it was a decision rendered upon the question being raised of a quorum and not upon a question as to whether or not a quorum had voted upon the passage of a bill or an amendment or a resolution or anything else. They are all of them on the question whether or not there shall be a roll call to determine the fact that a quorum is present.

I will repeat what I said at the time the attention of the Chair was withdrawn, because this is a matter for the decision of the Chair. I had said at the time the attention of the Chair was withdrawn from what I was saying that in each instance, if the Senator from Nebraska will refer to the authorities he has cited, he will find that the decision was rendered upon the question whether or not there should be a roll call to determine the fact of the presence of a quorum in the Chamber, and that in no instance can the Senator find a precedent—if I am correct in my apprehension in regard to that matter, without examining it myself—where it was determined that although a quorum did not vote the bill was nevertheless passed because a quorum was in the Chamber. There is where the Senator will find the difference.

In the case he alluded to, when I myself had the honor to be in the chair, it was a question whether or not repeated calls on the part of a Senator for a roll call on the challenge that there was no quorum should be entertained, or whether the Chair himself should count and see whether a quorum was present. I have no doubt the Senator will find in each one of those instances where the Chair held that a quorum could be counted that it was where there was a demand for a roll call to see whether or not there was a quorum present.

That is a very different question from whether or not a minority can pass a bill. As stated by the Senator from Wyoming, the rising of Senators for the purpose of being counted has in parliamentary contemplation exactly the same effect as the answering to the name. It is simply a more summary way of ascertaining how Senators have voted. It has to be reduced to this proposition, that upon the grave question whether a bill shall or shall not be passed the vote of a minority shall determine the question.

There are some stages of a bill when the vote is final; and here you might have the most important of bills, one affecting the gravest interests of this country, and Senators, without the anticipation, possibly, that a vote is to be taken within a short time, pending a very prolonged debate, as happens with important questions, may not be absolutely in the Chamber at the moment. The bill has gone from the Committee of the Whole and is in the Senate, and is on the final stage of its passage. There may be only half a dozen Senators in the Chamber; and others in the cloak rooms or at lunch, not anticipating a vote; and yet, if the contention of the Senator is correct, with 7 Senators present, and 4 voting in the affirmative and 3 in the negative, the bill would be passed, and finally passed, and there would be no appeal from it, and the assumption and the presumption would be that 47 were present, when, in fact, only 7 were present.

I say, Mr. President, it is a serious matter. If it is not a mere matter of formal procedure. There could not be a graver and a more serious question presented to the Senate than this—whether or not, under any circumstances, in any contingency, the ascertained vote of a minority shall be conclusive upon the majority. That is a profound question, and a most serious one, and if it can be done by 44 Senators, it can be done by 3 Senators.

Mr. GALLINGER. Mr. President——

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

Mr. BACON. I do, with pleasure.

Mr. GALLINGER. I was not present in the Chamber when this question arose, but I am constrained to differ from the view the Senator from Massachusetts takes on this matter. When a viva voce vote is taken there is no record whatever. When Senators rise there is a record that 15 Senators, we will say, have voted in the affirmative and 10 in the negative, less than a quorum; and it seems to me then the matter of a quorum should be determined in some way.

I find that Mr. Thurman, who was a very distinguished Senator and President pro tempore of the Senate, said this in 1879:

> The Chair has usually taken the fact of there being no quorum voting as evidence that there was no quorum present; but the Chair has not decided that it is not possible to ascertain otherwise whether there is a quorum. The Chair does not think the fact that a quorum has not voted is conclusive evidence that a quorum is not present. On the contrary, in the opinion of the Chair, he has a right to count the Senate. He has counted the Senate and found that a quorum is in attendance; but a quorum has not voted.

Again, Vice-President Fairbanks, as we all remember, in 1908, when the question was raised—

> counted the Senate and announced that a quorum was present, and so the motion prevailed.

The point I would make——

Mr. LODGE. May I ask the Senator whether in either of those decisions it was held that the vote was vitiated?

Mr. GALLINGER. No; but there was a quorum present. My view is this, and I do not pretend to have a very profound knowledge of the subject, that we must have a record of the fact that a quorum is present if the question is raised. I do not know how the question was raised a few minutes ago, but to have the Senate divide and less than a quorum go on record as having voted, and that remain on the record of the Senate, and a great bill passed by a vote of less than a quorum as recorded, it seems to me would be a very bad custom; and I do not think we have been in the habit of doing it in that way.

Mr. STONE. It ought to be ascertained, if the Senator from New Hampshire will permit me——

Mr. GALLINGER. Yes.

Mr. STONE. That a quorum was present at the time the division was taken.

Mr. GALLINGER. Precisely.

Mr. STONE. Not at a time after that.

Mr. GALLINGER. No; at the time.

Mr. BACON. If the Senator will pardon me before he takes his seat, it matters not in what way the fact is ascertained that a quorum is not present. The call for the yeas and nays, when less than a quorum vote, is a record fact that they are not present. The counting by the Chair of less than a quorum when Senators are called upon each to rise, one on the one side and one on the other, is no less an ascertainment of the fact that they are not present——

Mr. GALLINGER. Certainly.

Mr. LODGE. The point I have been trying to make is the fact that when on a rising vote a quorum is not disclosed does not vitiate the vote, and both of the precedents read by the Senator from New Hampshire show that. A quorum may be present; it may be decided by the Chair to be present; it is usually assumed to be present; but my point is that the fact that on a rising vote a quorum is not disclosed does not vitiate the vote, as it would if it had been a roll-call vote.

Within a few days, I think on an amendment to this bill, the best parliamentarian in the Senate was occupying the chair, and a given amendment was defeated by much less than a quorum; and the Chair held that the amendment was lost on a rising vote. The Senator from Maine [Mr. FRYE], to whom I refer, is present. It seems to me that when he decided in that way he followed what I have seen as the unbroken practice of the Senate. If the point of no quorum is made, it can be determined by the roll call or by the count of the Chair. If the point of no quorum is not made, the vote passes or is lost, as the case may be. The vote on a rising vote is not vitiated by the fact that the rising vote does not disclose a quorum. In that I am sure I am speaking from the practice of a day or two ago as illustrated by the Senator from Maine.

Mr. HEYBURN. Mr. President, I was the subject of the decision to which the Senator from Massachusetts referred. Looking at it then as to what I should do, it was my judgment that unless I raised the question of no quorum before the Chair announced the vote it would avail nothing; that before the Chair announced the vote, by looking around and observing the number who arose on each occasion, I might have prevented that vote from being effective by raising the question of no

quorum. But I felt that I had passed the time, and of course I yielded to the ruling of the Chair that the matter was carried or defeated, as it may have been.

Mr. LODGE. If the Senator will allow me, because I have to leave the Chamber at once, I should like to ask the Senator from Maine, who is in his seat, whether I have misstated his ruling of the other day.

Mr. FRYE. The Senator from Massachusetts has not misstated it. I refrain from discussing points of order that are raised in the Senate, because I am obliged very frequently to occupy the chair. That is the reason why, when points of order are raised and discussed, I remain silent. But the Chair ruled the other day, when perhaps 16 voted for and 25 against, that the noes had it.

Mr. BACON. With the utmost deference to the Senator from Maine, for whose judgment I have the greatest respect, I simply desire to say, if I understood his suggestion correctly, no one made the point that no quorum had voted.

Mr. FRYE. No.

Mr. BACON. That makes a very vast difference.

Mr. HEYBURN. Mr. President——

Mr. BURKETT. I thought the Senator from Georgia had the floor. I was going to read a precedent that would refute the statement he just made with reference to the question of a quorum. I will just withhold it.

Mr. HEYBURN. I have no intention of discussing this matter, but inasmuch as the Senator from Massachusetts called attention to an occurrence a few days ago, I rose to say that at that time I suggested, without formality, that a quorum had not voted. The Chair then repeated, "The amendment is lost or carried." I looked into the question somewhat to see what I should have done or what I might have done. I think I could have done one of two things. I could either have suggested the absence of a quorum before the Chair announced the result of the vote or I could have asked for a count of those who did not vote. I think, perhaps, I might have done that, but there were only a few less than a quorum voting.

Mr. GALLINGER. If the Senator will permit me, I think the Senator had another remedy, and that was to raise the question after the declaration was made. I do not think he was estopped from doing it.

Mr. HEYBURN. I felt that as a roll call immediately afterwards disclosed that a quorum was present, the presumption always is that a quorum is present; and that presumption would relate back to the vote unless the objection of no quorum was made before the vote was announced. When the result of the vote was announced it was a completed transaction so far as the Senate was concerned.

Mr. BACON. Will the Senator permit me to ask the Senator from Maine a question, as he has been interrogated?

Mr. HEYBURN. I do not desire to discuss it further.

Mr. BACON. With the permission of the Senator from Maine, I should like to address a question to him, as the Senator from Massachusetts has set the precedent. In the case of a yea-and-nay vote, if 20 vote yea and 10 nay, in the opinion of the Senator from Maine, would a bill upon which the yeas and nays had been called and that vote disclosed be passed or fail?

Mr. FRYE. It would not be passed.

Mr. BACON. Most undoubtedly not.

Mr. FRYE. But there is not one case in fifty in the Senate when a majority vote.

Mr. BACON. But the question I ask the Senator is, If they are present and a yea-and-nay vote is taken, and only 30 vote, will that pass the bill?

Mr. FRYE. It will not if there is a roll call. It develops that fact.

Mr. BACON. My contention is that a division is exactly the same in each case, it matters not whether the majority is present or not, if the majority fail to vote upon a demand for an individual vote it is conclusive that there is no quorum.

Mr. BEVERIDGE. May I ask the Senator from Maine a question, which is corollary to that asked by the Senator from Georgia? Since a bill may be passed either by a viva voce vote or by a division or by a yea-and-nay vote, what is the distinction between the passing of a bill upon a division and upon the calling of the yeas and nays? The Senator has just said that if less than a majority vote upon a call of the yeas and nays, the bill is not passed. Then why is the bill passed on a division?

Mr. FRYE. Because the rule requires absolutely every Senator present when his name is called to answer yea or nay, and he must get excused for not answering. On simply a rising or a viva voce vote no such requirement exists.

Mr. BEVERIDGE. Then we are in this situation, that if, on a division, 30 Senators all told vote, and a majority vote yea, the bill is passed; and if upon the yeas and nays 30 Senators vote and a majority of them vote yea, then the bill is not passed. The only difference in the vote is that in one case they vote by standing, and in the other case they vote by speaking.

Mr. GORE. Mr. President, I should like to propound a question to the Senator from Maine and the Senator from Massachusetts. In the case put by the Senator from Georgia, if on a roll-call vote 20 vote yea and 10 vote nay—that is, 30 vote, and 30 more announce that they are paired, they are present and a quorum is undoubtedly present, would the bill pass on a record vote of that sort, 20 to 10, even though there is a quorum present?

The PRESIDING OFFICER. The Senator from Maine is interrogated.

Mr. FRYE. The Senator from Maine did not set himself up here to be cross-examined in relation to points of order. When he is in the chair he decides points of order without any hesitation. He may decide wrongly, and he has decided wrongly, undoubtedly, many times.

Mr. GORE. Mr. President, I am sure the Senator from Maine has no superior in this Chamber as a parliamentarian. I will address the question to the Senator from Massachusetts.

Mr. KEAN. The Senator from Massachusetts is necessarily absent.

The PRESIDING OFFICER. The Senator from Massachusetts is absent.

Mr. GORE. I am sorry he is absent.

Mr. BURKETT. I suggest to the Senator from Oklahoma the rule provides that whenever the lack of a quorum is disclosed the roll shall be called.

The PRESIDING OFFICER. The Chair is ready to rule on this matter, after the discussion. A count having been demanded, and the vote having been declared, as in the opinion of the Chair a quorum really was present, it seemed to the Chair that the motion to table was carried, and he so declared. I want to say, however, that I am not a parliamentarian, and I understand that my ruling is absolutely pro forma. I would prefer to submit the matter to the Senate, if that be the wish of the Senate.

Mr. BAILEY. Mr. President, if the Chair is going to hold that, I should like, with all deference to the Chair, to have the matter submitted to the Senate.

Whenever any business is transacted in the Senate the presumption is that a quorum is present; but whenever that presumption is challenged the presence of a quorum must be ascertained in a proper way.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Texas when it was challenged by the Senator from Missouri the call was made, and it developed that there was a quorum present.

Mr. BAILEY. But, Mr. President, it is within the experience of every Senator that quorums appear and disappear very quickly. Senators are occupied about their work in committee rooms frequently when the Senate is in session, and under a call of the Senate they come from their labor at the committee table and answer to their names and return.

The presumption is not that a quorum was present at a particular time, because a quorum appeared to be present at a subsequent or even at a prior time, but the challenge is as to the presence of a quorum at the particular time the particular business was transacted.

I think the Senator from Maine has interpreted the rule correctly when he says that the difference between a yea-and-nay vote and a rising vote is that the rule itself requires a Senator to vote, and therefore the roll call necessarily imports the recordation of each Senator present. To that rule there are two exceptions. There is one exception authorized in the rule itself, and that is where a Senator is excused by the Senate. The other exception has grown up as a practice, and that is the announcement of pairs.

Of course, we have no disposition here this afternoon to engage in a controverted question of what passes a bill. I have no hesitation myself in saying that if there were 30 voting, 20 voting for a bill and 10 against, and it appeared that there were 20 Senators present and paired, the bill is passed. But I recognize that as a disputed and as a disputable question.

A great parliamentarian who once presided over the other House of the Congress held that, but it so happens that he never held that he could count Members to constitute a quorum and pass a bill without the bill had received a majority of the quorum. In other words, he would have probably held that where 20 voted affirmatively and 10 voted negatively and 20 were paired, making 50, the affirmative vote being less than a quorum, the bill or the motion failed. Possibly he was right, though I think that every Senator who is present, participating

by announcement or vote in the proceedings, consents to whatever the majority does, for the Constitution requires only the presence of a quorum and not that a quorum shall vote.

But that is a purely mooted question now. The question with us here, as I understand it, is as to the right of a Senator to challenge the presumption that a quorum is present before the vote is taken or after the vote is taken.

A Senator might not know until the vote was taken whether a quorum was present or not. It might often happen, and will happen, that there will be 45 Senators in this Chamber, and no Senator is going to indulge in the preliminary work of counting his associates to see whether there is a quorum present or not in order that he may make the point in advance. He may wait, and he has a right to wait, until the vote has been taken, and when the vote discloses less than a quorum he has a right to demand the presence of a quorum. If the Chair were to undertake to ascertain the presence of a quorum by an actual count of the Senators and I saw three Senators come in at that door or this door who were not here when the vote was taken and I thought the Chair made the mistake of including them to make the quorum, I would have the right to challenge his count, and then it would become a question of fact as to whether those Senators were in their places or in the Chamber when the particular business was transacted.

Whenever the presumption of a quorum is challenged it must be settled, and whenever the absence of a quorum is ascertained a state of parliamentary paralysis ensues, and the Senate is powerless to transact any business except to adjourn from day to day or to compel the attendance of absent Senators.

The PRESIDING OFFICER. The question is on sustaining the ruling of the Chair, and the Chair will state the question. The Senator from Utah moved that an amendment of the Senator from Oklahoma [Mr. GORE] be laid on the table. Upon that motion a division was called for, and it appeared upon a division that there were voting 24 ayes and 13 noes. The Chair, deciding that a majority was present but not voting, declared the amendment tabled. Thereupon the Senator from Missouri——

Mr. KEAN. I do not understand that the decision of the Chair has been appealed from.

Mr. STONE. The Chair is submitting it to the Senate rather than making a ruling.

The PRESIDING OFFICER. The Chair is stating the question as he understands it to be. Thereupon the Senator from Missouri questioned the ruling of the Chair that the amendment was tabled, and suggested the absence of a quorum. It appeared upon the roll call that a quorum was present. The question now is whether the decision of the Chair that the amendment was tabled is the correct ruling, and upon that the Chair understands that the Senator from Missouri asks for a vote of the Senate, and the Chair submits it to the Senate.

Mr. BURKETT. The Chair had already decided that before the roll was called. There is only one way to raise the question as to the correctness of the decision of the Chair, and that is by an appeal. The Chair decided that the motion prevailed and declared that the question was laid on the table by the vote as announced. If the Senator from Missouri or any other Senator had any question as to that decision, then he might have appealed from the decision and might have requested that the decision on that point be referred to the Senate. But that decision having been made and followed up by the demonstration of the fact that a quorum was present, the only way now to raise the question, it seems to me, is by an appeal from the decision of the Chair.

Mr. BEVERIDGE. The Chair has a right to submit any question to the Senate.

Mr. BURKETT. I rather question whether after the Chair has made a decision and business has intervened he has a right to go back and submit the question of order to the Senate. It is a closed incident after business has been transacted.

I rather question whether it is not too late even to appeal from the decision of the Chair. I think the most important thing here is that we shall go along in order and establish no bad precedents. I think there was a time for an appeal, but I doubt if an appeal is in order after such business has been transacted as has been since that decision was made. First the question was raised as to——

The PRESIDING OFFICER. The Senator from Nebraska will suspend for a moment. The Chair does not understand that there has been any business intervening. The sole question under discussion for the last hour has been on the ruling of the Chair, and the Chair understood that what the Senator from Missouri said was equivalent to an appeal from the Chair's ruling.

Mr. BURKETT. But, Mr. President, the Chair at the time he announced the motion to be carried to lay the amendment on the table thereupon announced likewise with it that a quorum was here ready for business and doing business. He likewise declared that the motion prevailed, and the amendment was laid upon the table. Neither the Senator from Missouri nor any other Senator raised a question as to the correctness of the Chair's decision on that point, but raised the question on the absence of a quorum, and thereupon the roll was called, and the presence of a quorum was demonstrated.

Now, the question of the correctness of the Chair's decision that the vote to lay the amendment on the table was carried was not raised at that time. The question of a quorum was raised, and the roll call showed that a quorum was present and that that implied part of the Chair's decision was correct.

After that we have had discussion upon a good deal of matter, and now after it all comes a request to submit something to the Senate which is very hazy, to say the least. If the correctness of the Chair's decision can be raised in any way, the only way, in my judgment, is by an appeal from the decision of the Chair. But we have gotten so far away from the decision questioned that I submit there is nothing that the Chair can put before the Senate.

Mr. STONE. Mr. President, there has been no business intervening except such as appertained to the discussion of the question of order raised. What happened, as I recall it, was this. With all due deference, I hardly think the Chair stated the facts in consecutive order exactly as they occurred.

First, the Senator from Oklahoma asked for the yeas and nays upon the motion made by the Senator from Utah to lay the amendment on the table. The Chair said a sufficient number had not seconded the demand. Thereupon I asked for a division on the question to lay the amendment on the table, not the question as to whether the yeas and nays should be ordered. The Chair counted and announced that 24 had voted aye and 13, I think it was, had voted no. I rose at once when the Chair was announcing that the motion had been agreed to and said, in substance, so far as I can repeat it in terms, that the vote disclosed the absence of a quorum; that only 37 Senators had voted, and that it was not a sufficient number to transact the business of the Senate; and I made the point of order that a quorum was not present. Thereupon the Chair ordered the roll to be called. The roll was called, and Senators in sufficient number answered to their names to show the presence of a quorum. That is the state of fact as I understand it.

Mr. CARTER. I ask the Senator to yield to me.

Mr. STONE. I do, with pleasure.

Mr. CARTER. Mr. President, we seem to have become involved in a maze of parliamentary discourse, and in order to dispose of the matter without any further ceremony I ask unanimous consent that the Senator from Oklahoma be permitted to withdraw his amendment and offer it again and have it disposed of in regular manner.

Mr. STONE. Yes; by a vote by yeas and nays.

Mr. CARTER. Certainly.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the Senator from Oklahoma be permitted to offer his amendment again, to be voted upon in the Senate. Is there objection? The Chair hears none, and the amendment may again be offered.

Mr. FRYE. Now let the Senator demand the yeas and nays.

Mr. STONE. Let us have the yeas and nays.

Mr. GALLINGER. Yes; the yeas and nays.

The PRESIDING OFFICER. The Senator from Missouri asks for the yeas and nays. Is the demand seconded?

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Oklahoma [Mr. GORE] to the amendment of the committee.

Mr. GORE. Mr. President, I wish to say that I appreciate the suggestion made by the Senator from Montana [Mr. CARTER]. It had been my intention to give notice that I would offer the amendment again when the bill came up for consideration in the Senate.

I ask permission to print in connection with my remarks sections 15, 63, 64, and 65 of the Philippine organic act.

The sections referred to are as follows:

SEC. 15. That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands,

whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

SEC. 63. That the government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this act, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

SEC. 64. That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippine Islands is hereby empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value in gold coin of the United States of the present standard value or the equivalent in value in money of said islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said government for such amount as may be necessary, said bonds to be in denominations of $50 or any multiple thereof, bearing interest at a rate not exceeding 4½ per cent per annum, payable quarterly, and to be payable at the pleasure of said government after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands; and said bonds shall be exempt from the payment of all taxes or duties of said government, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under state, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes.

SEC. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said government.

I desire to invite the attention of Senators to those four sections when they shall appear as printed in the RECORD. I wish to venture the opinion that there is not a reputable attorney on earth, there is not a first-class lawyer in Christendom, excepting the Attorney-General of the United States, who would have rendered such a decision. Let me recapitulate:

Section 15 limits the amount of land in the Philippine Islands which can be acquired by an individual to 40 acres and limits the amount which can be acquired by a corporation to 2,500 acres.

Section 64 of that act authorizes the acquisition of land from religious orders. In pursuance of that section the so-called friar lands were acquired.

Section 65 of the act provides that lands acquired from these orders shall be disposed of subject to the limitations contained in that act.

Now, sir, the bill as originally presented to the Senate did not contain that limitation. An amendment was offered by the senior Senator from Massachusetts [Mr. LODGE] to incorporate that limitation; in other words, to limit the amount of friar lands which could be acquired by one individual to 40 acres, or which could be acquired by a corporation to 2,500 acres. There are no other limitations in the act, and that could have been the only motive and the only object for the insertion of that limitation.

Mr. President, I do not assert that it was the object of the provisions contained in the recent tariff act authorizing the free importation of large quantities of sugar and tobacco from the Philippine Islands to make it profitable for sugar companies of the United States to invest in those bonds; but, sir, there were those on this side who believe that those provisions mark the beginning of a new system. There were those of us on this side who believe that those provisions were inserted in that act not for the benefit of the American consumer but for the benefit of those who desired to exploit the Philippine Islands. I do not say that was the object of the provision, but, sir, we feared that would be the effect of those provisions—to subject the lands of the Philippine Islands to a monopoly as the lands of Cuba have been monopolized by the sugar trust and others. That I do not assert to be the object of the Attorney-General's decision, but, sir, that will be the effect of his decision.

The Attorney-General decided that individuals and corporations could acquire more than 2,500 acres of land obtained from the friars—he decided there was no limit. One concern was allowed to purchase more than 40,000 acres in December last, as I am informed, and another concern has recently secured an option upon another large and valuable tract. It is the beginning of a new policy, the beginning of a bad policy, and whether that be the object or not the effect will be the same.

Now, sir, it is just as important that we insist upon conservation in the Philippines as that we insist upon conservation in Alaska. It is just as important that we insist upon conservation in the Philippines as that we insist upon conservation in the Northwestern States.

We are under as solemn an obligation to protect the inhabitants of the Philippine Islands against exploitation as we are to protect the prospective inhabitants of Alaska against exploitation. Nay, sir, we are under a heavier obligation. We are in the Philippines without the advice and consent of that people. We are in the Philippines against the protest of the people of those islands. The highest obligation of patriotism and of humanity reposes upon us to shield those defenseless and helpless people against exploitation.

Now, sir, assume that the Attorney-General is correct in his decision. It seems certain that the sugar trust has obtained a footing in the Philippine Islands. Others have been irreverent enough to allude to the Attorney-General's former connection with the American Sugar Refining Company. I do not allude to that connection. Assume that his decision was right, that the friar lands are not subject to the limitations of section 15, then it is an urgent duty upon the Senate to subject the friar lands to that limitation, to conserve the resources of those islands for the people of those islands, to stimulate their progress and prosperity, and to atone, so far as possible, for the multiplied and accumulated sins of this Republic in dismantling that infant and defenseless republic at the gateways of the day.

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

Mr. NELSON. Will the President kindly state the pending question?

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. GORE].

Mr. BEVERIDGE. Let the amendment be stated.

The VICE-PRESIDENT. Without objection, the amendment will be again stated.

The Secretary read the amendment proposed by Mr. GORE, which was to insert at the end of the bill the following proviso:

Provided, That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, including lands acquired from religious orders or otherwise excepting timber and mineral lands of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons; *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfer of rights and title of inheritance under the laws for the distribuion of the estate of decedents: *Provided, however*, That this section shall not be construed to validate any such sales heretofore made in excess of the limitations prescribed by section 15 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902.

Mr. BEVERIDGE. Mr. President, has this amendment, which relates solely to the Philippine Islands, been referred to the Committee on the Philippines?

Mr. SMOOT. Mr. President, when the amendment was first offered I stated to the Senate that it had not been referred to the Philippines Committee, nor had the subject been considered by that committee, nor had it been considered by the Committee on Public Lands. I therefore asked that the amendment be not adopted, and I will now repeat that I hope the Senate will not adopt it.

Mr. BEVERIDGE. Of course, an amendment of that kind, dealing with any subject of that nature, should properly go to the Committee on the Philippine Islands, if it is referred to any committee. It proposes an important change.

Mr. GORE. Mr. President——

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

Mr. BEVERIDGE. Certainly.

Mr. GORE. Mr. President, I should merely like to suggest to the Senator from Indiana [Mr. BEVERIDGE] that this amendment copies the existing law, with the exception that it adds the words "including lands acquired from religious orders or otherwise," in order to subject those lands to the same limitations imposed upon the remainder of the public domain.

It does not change the policy of the Government, but simply subjects those lands acquired from religious orders to exactly the same limitations as we impose upon other portions of the public domain. That is the only change the amendment proposes, excepting it provides that sales heretofore made in excess of the limitation of that act shall not be validated by the exception applied in this amendment. It does not revolutionize our policy at all. The only point is whether or not the friar lands shall be subject to the same limitations. With the exception I have stated, it is a copy of the existing law.

Mr. BEVERIDGE. Mr. President, I would suggest to the Senator from Oklahoma [Mr. GORE] that the chairman of the Committee on the Philippines, of which I am a member, the Senator from Massachusetts [Mr. LODGE] is not here; and he gives very great and painstaking attention to all the business affecting his committee. I should not personally, as a member of that committee, like to vote for any proposition that had not only not been referred to any committee but had not even been presented to the Senate.

The Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I again announce my pair with the Senator from West Virginia [Mr. ELKINS]. In his absence I withhold my vote.

Mr. GUGGENHEIM (when his name was called). I again announce my pair with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. JOHNSTON (when his name was called). I again announce my pair with the junior Senator from Michigan [Mr. SMITH].

Mr. OLIVER (when his name was called). I am paired with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to my colleague [Mr. PENROSE] and vote. I vote "nay."

Mr. MONEY (when Mr. PERCY'S name was called). My colleague [Mr. PERCY] has been called from the Chamber on business of an official character.

Mr. SMITH of Maryland (when Mr. RAYNER'S name was called). My colleague [Mr. RAYNER] is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. SCOTT (when his name was called). As I announced this morning, I am paired with the senior Senator from Florida [Mr. TALIAFERRO]. I therefore withhold my vote. I desire to state that my colleague [Mr. ELKINS] is detained at home on account of being unwell. That is the cause of his absence from the Senate Chamber to-day.

The roll call was concluded.

Mr. BRISTOW. I am requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained at home on account of illness.

Mr. SMITH of South Carolina (after having voted in the affirmative). I see that the senior Senator from Massachusetts [Mr. LODGE], with whom I am paired, is not present. Therefore I withdraw my vote.

Mr. CLAY. I announced my pair with the junior Senator from New York [Mr. ROOT], but I transfer that pair to the junior Senator from Florida [Mr. FLETCHER] and vote. I vote "yea."

Mr. CLAPP. I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. PAGE. I again announce the illness of my colleague [Mr. DILLINGHAM], who is paired with the Senator from South Carolina [Mr. TILLMAN]. If present, my colleague would vote "nay."

The result was announced—yeas 20, nays 33, as follows:

YEAS—20.

Bacon	Davis	McEnery	Purcell
Bristow	Frazier	Money	Shively
Brown	Gore	Overman	Smith, Md.
Clay	Hughes	Owen	Stone
Cummins	Jones	Percy	Taylor

NAYS—33.

Beveridge	Carter	Flint	Perkins
Borah	Clapp	Frye	Smoot
Bourne	Clark, Wyo.	Gallinger	Stephenson
Bradley	Crane	Gamble	Warner
Briggs	Crawford	Heyburn	Warren
Bulkeley	Cullom	Kean	Wetmore
Burkett	Depew	Nelson	
Burnham	Dick	Oliver	
Burton	Dixon	Page	

NOT VOTING—39.

Aldrich	Dillingham	Lodge	Richardson
Bailey	Dolliver	Lorimer	Root
Bankhead	du Pont	McCumber	Scott
Brandegee	Elkins	Martin	Simmons
Burrows	Fletcher	Newlands	Smith, Mich.
Chamberlain	Foster	Nixon	Smith, S. C.
Clarke, Ark.	Guggenheim	Paynter	Sutherland
Culberson	Hale	Penrose	Taliaferro
Curtis	Johnston	Piles	Tillman
Daniel	La Follette	Rayner	

So Mr. GORE'S amendment to the amendment was rejected.

Mr. BURTON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 2, line 13, after the words "withdraw from," it is proposed to insert the words "any or all forms of."

Mr. BURTON. Mr. President, that amendment, if it is adopted, will make the section read:

> That the President may, at any time in his discretion, temporarily withdraw from any or all forms of settlement, location, sale, or entry any of the public lands of the United States and the Territory of Alaska and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

The object of the amendment is twofold: First, to make it clear that the President may withdraw land for one purpose, such as the reservation of the coal and timber, and leave it open for entry or settlement for other purposes. The next is to make it clear that a broad and comprehensive authority exists in the President for the withdrawal of land for any and all purposes. There is still a further and incidental object, namely, to make certain that this statute does not in any way repeal or interfere with existing statutes conferring upon the President authority to withdraw lands.

It seems to me the amendment does not change the bill except to make it more definite. It gives the advantage to the prospector or the settler in that he is told that there can be a withdrawal of lands for one use and not for another, leaving that other use open for settlement. It renders certain also the authority of the President to make these reservations.

It has been said that the words in line 16, "or other public purposes" are sufficient. I do not think that language is sufficiently plain. It is doubtful whether the different uses for which it is intended land may be reserved are public purposes, for naturally that term includes such a use as a military reservation, a light-house, or other distinctively public use.

Mr. SMOOT. Mr. President, I will simply say, in a few words, that the amendment that has been offered by the Senator from Ohio [Mr. BURTON] as to lands withdrawn from "any or all forms of" settlement, location, sale, or entry would mean that on all withdrawn lands, mineral development or prospecting would be prohibited. That question has been thrashed over time and time again in the committee and in the subcommittee. We have had votes upon it very often, and we have also had an expression in the Senate upon this very question. Therefore, Mr. President, I sincerely hope that the vote cast by the Senate will be against the amendment offered by the Senator from Ohio.

Mr. BURTON. I desire to call the attention of the Senator from Utah [Mr. SMOOT] to the fact that the second section still remains broad and comprehensive in conferring the right of mineral entry for the purposes which the Senator from Utah has advocated. Those provisions would remain just as they are.

Mr. SMOOT. The question is this: Section 1, with the words of the Senator's amendment inserted would be a direct contradiction of section 2, because section 1, if the Senator's amendment prevails, would read withdrawal "from 'any or all forms' of settlement, location, sale or entry." Therefore it would be impossible to locate or to enter a mining claim upon withdrawn lands as provided in section 1. The Senate will notice section 2 is directly the opposite of what is provided in section 1 if the amendment of the Senator from Ohio is accepted.

Mr. President, I again say that there is no need of inserting the words proposed by the Senator from Ohio, and I ask that the Senate disagree to the amendment.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. BURTON] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. BURTON. I offer another amendment. I send it to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 12, after the word "discretion," it is proposed to strike out the word "temporarily."

Mr. BURTON. Mr. President, the use of that word, which did not appear in the House provision, assumes no very great importance, except that it is a decided intimation that this policy is, under the terms of this bill, intended to be a temporary and, you may say, a halting policy. At the close of the section there is this provision:

And such withdrawals or reservations shall remain in force until revoked by him—

That is, by the President—

or by an act of Congress.

That is the controlling provision. That remains. What, then, is the use of the word "temporarily"—which appears first in the Senate bill, not appearing, as I understand, in the House bill—except as an intimation that it is a policy which is not to be pursued for any considerable time, a limitation on the power of the President?

Mr. SMOOT. Mr. President, I do not take it as a limitation on the part of the President; but I do take it that it means that the withdrawals, many of which will be restored to the public domain, are temporary in their nature. Of necessity it should be so, because if the withdrawals were not temporary in their nature, there would be a permanent withdrawal, with no likelihood or thought of the land ever being restored to the public domain. I hope the amendment of the Senator will be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. BURTON] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. NEWLANDS. Mr. President, it is not my purpose to make a speech on this bill, but the question came up yesterday during the speech of the Senator from Colorado [Mr. HUGHES] whether the land laws now existing were suited to the economic requirements of the country. I wish to print in the RECORD, with the permission of the Senate, extracts from a speech made by me three years ago, in which I called the attention of the Senate to the misfit land laws of the country.

Mr. GALLINGER. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. I ask the Senator if they were printed in the RECORD three years ago?

Mr. NEWLANDS. Yes; they were printed in the RECORD.

Mr. GALLINGER. And the Senator thinks it is important to have them repeated, does he?

Mr. NEWLANDS. I do in this connection.

As I have said, Mr. President, I then called attention to the misfit land laws of the country and insisted that they were the result of the failure of the Representatives of the West in Congress to take hold of the matter and present such amendments to existing laws as would meet the economic requirements of the West and put an end to the denunciation of the West regarding the evasion of the land laws, and at the same time meet the requirements of western development.

I simply wish to present these remarks now as showing how long this contention has been pending and how important it is that western men should get together and within a reasonable time present to the Congress in some concrete form the amendments which are absolutely essential to meet the requirements of the West. I have not the slightest doubt but that the western men can practically shape legislation upon this subject, and can thus save the West from the reproach from which it has been suffering for years.

I ask leave, Mr. President, to insert these few extracts in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nevada? The Chair hears none, and permission is granted.

The extracts referred to, taken from the speech of Hon. FRANCIS G. NEWLANDS in the Senate of the United States, January 30, 1907, are as follows:

MISFIT LAWS.

These conditions prevail in every one of the Western States, and I insist upon it that they prevail because the Congress has never yet shaped the laws so as to suit the economic requirements of the country, and such laws will always be evaded; and I insist upon it that the fault is largely with Congress. As it is, we have laws inadequate to the development of the West, and the west must grow, law or no law, and will grow, law or no law; and I insist upon it that it is much better for us to change the laws so as to meet the economic requirements of the West than to let the present conditions remain under which the President, sworn to execute the law, is landing men in jail who at heart and judged by their environment are as innocent of any intentional wrong as the gentleman who gave his account to me of the manner in which he accumulated a control of a large area of land. It makes me heartsick to read here of clergymen and others being indicted in the West for making entries under the land laws, without any conception of the guilt involved in the act.

* * * * * * *

Mr. CARTER. The Senator states that the economic conditions in the country referred to are such that the 160-acre homestead claim is wholly inadequate to meet the conditions. Would he so amend the law as to permit of the acquisition of a much larger area of land by a single individual?

Mr. NEWLANDS. I am not prepared to state now what changes I would favor. That would be a digression from my present purpose. What I do insist upon is that it is the duty of the Senators and Representatives from the West, who are more familiar with these conditions and who are familiar with the laws, to get together and recommend to the Congress of the United States laws that will meet these conditions. I should expect in such a conference to give and take, to accommodate my views in many particulars to the views of my associates, with the purpose of securing harmony of action. I would expect that we would arrive at a pretty nearly unanimous conclusion, and I believe that our recommendations to the Public Lands Committee of the Senate and the Public Lands Committee of the House would be crystallized in legislation within six months afterwards.

We had the same experience with the irrigation question. The men of the West had been engaged for years in educating Congress upon the subject of irrigation, in educating the humid region as to the requirements of the arid region. They were not only educating the Congress, but educating the country at the same time, and when the public sentiment of the entire country was ripe for action we found that we differed among ourselves as to the kind of law that should be passed, and we were in danger of making a spectacle of ourselves in Congress and before the country and of defeating the entire movement by the divergence of our views.

Some were in favor of nationalizing irrigation. Some were in favor of confining it to state lines. Some were in favor of the cession of all of the arid lands to the States. Some were in favor of giving the States the absolute control over the waters stored by national action. But as the result of this divergence of views we concluded to come together, and we met and appointed a committee from 13 States aid 3 Territories, consisting of one Senator and one Representative from each State, and that committee appointed a subcommittee of 17, and the subcommittee held sessions consecutively for thirty days. At the end of that time the committee of 17 reached a unanimous conclusion, and they presented their conclusion to the general committee, and it was adopted after much discussion. Then it was submitted to the committee of the Senate and of the House, approved in almost all its features by them, and within a few months afterward was triumphantly passed by Congress.

That law has given universal satisfaction and will give still greater satisfaction, and the Western Senators and Representatives took the very position which Mr. Hitchcock and Mr. Roosevelt have always contended for and do now contend for, that not only the reclamation act, but all the land laws should be administered in the interest of home seekers and with a view to preventing monopoly.

LAND MONOPOLY.

The purpose of Congress has been honest throughout the entire history of our legislation upon this subject. Look at every one of the statutes relating to public lands and you will see the purpose clearly is to avoid land monopoly, and yet we know that under these very laws monopoly has been built up in the West.

Mr. NEWLANDS. I wish, also, Mr. President, to quote from certain public documents regarding the question of the conservation of our natural resources. These documents show not only the nature of the conservation policy urged by Mr. Roosevelt, which was indorsed in the Republican platform and which met the requirements of the Democratic platform, as expressed in the declaration of that party, but also show that that policy has been indorsed by the convocation of governors which met in Washington, and which passed the following resolution:

We agree that further action is advisable to ascertain the present condition of our natural resources and to promote the conservation of the same; and to that end we recommend the appointment by each State of a commission on the conservation of natural resources, to cooperate with each other and with any similar commission of the Federal Government.

I did not take the floor when the amendment offered by the Senator from Montana [Mr. DIXON] was before the Senate, incorporating a bill for a conservation commission, which was introduced by me some time since and which has received the favorable report of the Committee on Conservation, because I did not wish to delay the vote on this bill and the determination of this important question. That bill will still be pressed. I simply call attention now to the fact that the subject of that bill has received the indorsement of both platforms; it has received the indorsement of the convocation of governors; and it has received the indorsement practically of the great National Conservation Commission, called by President Roosevelt and composed of some of the most distinguished men in the country. I hope that that bill will come up later for consideration and receive the attention of the Senate despite the unfavorable vote of this morning.

The VICE-PRESIDENT. In the absence of objection, permission is granted the Senator from Nevada to print the additional matter referred to by him.

The matter referred to is as follows:

[From the declaration of the governors assembled in Washington on the invitation of President Roosevelt, May 15, 1908.]

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the people in earnest cooperation. These natural resources include the land on which we live and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests

which yield the materials for our homes, prevent erosion of the soil, and conserve the navigation and other uses of the streams; and the minerals which form the basis of our industrial life, and supply us with heat, light, and power.

We agree that the land should be so used that erosion and soil-wash shall cease; and that there should be reclamation of arid and semiarid regions by means of irrigation, and of swamp and overflowed regions by means of drainage; that the waters should be so conserved and used as to promote navigation, to enable the arid regions to be reclaimed by irrigation, and to develop power in the interests of the people; that the forests which regulate our rivers, support our industries, and promote the fertility and productiveness of the soil should be preserved and perpetuated; that the minerals found so abundantly beneath the surface should be so used as to prolong their utility; that the beauty, healthfulness, and habitability of our country should be preserved and increased; that sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated.

We commend the wise forethought of the President in sounding the note of warning as to the waste and exhaustion of the natural resources of the country, and signify our high appreciation of his action in calling this conference to consider the same and to seek remedies therefor through cooperation of the Nation and the States.

We agree that this cooperation should find expression in suitable action by the Congress within the limits of and coextensive with the national jurisdiction of the subject, and, complementary thereto, by the legislatures of the several States within the limits of and coextensive with their jurisdiction.

We declare the conviction that in the use of the national resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

We agree in the wisdom of future conferences between the President, Members of Congress, and the governors of States on the conservation of our natural resources with a view to continued cooperation and action on the lines suggested; and to this end we advise that from time to time, as in his judgment may seem wise, the President call the governors of States and Members of Congress and others into conference.

We agree that further action is advisable to ascertain the present condition of our natural resources and to promote the conservation of the same; and to that end we recommend the appointment by each State of a commission on the conservation of natural resources, to cooperate with each other and with any similar commission of the Federal Government.

We urge the continuation and extension of forest policies adapted to secure the husbanding and renewal of our diminishing timber supply, the prevention of soil erosion, the protection of headwaters, and the maintenance of the purity and navigability of our streams. We recognize that the private ownership of forest lands entails responsibilities in the interests of all the people, and we favor the enactment of laws looking to the protection and replacement of privately owned forests.

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

We recommend the enactment of laws looking to the prevention of waste in the mining and extraction of coal, oil, gas, and other minerals, with a view to their wise conservation for the use of the people and to the protection of human life in the mines.

Let us conserve the foundations of our prosperity.

Respectfully submitted.

NEWTON C. BLANCHARD, *Louisiana.*
JOHN FRANKLIN FORT, *New Jersey.*
J. O. DAVIDSON, *Wisconsin.*
JOHN C. CUTLER, *Utah.*
MARTIN F. ANSEL, *South Carolina.*

The following is the utterance of the Republican platform of 1908 on this question:

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 Democratic platform of 1908 declared 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 home seekers, 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.

Mr. HEYBURN. Mr. President, it is evident that we are about to vote, and before the vote is taken I desire to make a statement in a few words.

I do not believe that Congress has the power to authorize the President to suspend the land laws of the United States at his option—suspend them to-day, revoke the suspension to-morrow, and suspend them again the next day. That is what it amounts to.

This measure has been coupled with one with which I am heartily in accord, and that is the appropriation of a sufficient sum of money to carry on the work of irrigation. I refer to the amendment offered by the Senator from Montana [Mr. CARTER].

Mr. KEAN. The $30,000,000 proposition.

Mr. HEYBURN. The Senator from New Jersey suggests that it is the $30,000,000 appropriation. If that is the sum necessary, I am in favor of that money being advanced by the Government.

I do not believe that we are acting within our power in authorizing the President to suspend, at his option, laws of the United States regulating the entry of the public lands, but I shall vote for this bill as a whole, resting my hope upon the courts and upon the wisdom of whatever tribunal may be called upon to pass upon that power.

I have expressed myself as strongly as I was capable of doing against the giving of this power, or attempting to give it, to the President, but inasmuch as it has been coupled with a meritorious measure which, in my judgment, overweighs the objection that I would have had—not to the measure; it does not overweigh that, but it overweighs my objection to voting for the bill—I shall vote for it, because I believe that that part which is objectionable will be inoperative and that the part which is not objectionable has sufficient merit to justify me in casting my vote for the bill.

Mr. BEVERIDGE. I offer the amendment which I yesterday sent to the desk and had printed.

The VICE-PRESIDENT. The Senator from Indiana proposes an amendment, which the Secretary will read.

The SECRETARY. Add, at the end of the bill, the following:

That all deposits of coal, lignite, and associated materials in the lands of the United States within the District of Alaska are hereby withdrawn from location, entry, or sale and reserved for future disposition by Congress: *Provided,* That the surface of such lands and other mineral deposits therein may be taken up and title thereto acquired under the laws that would be applicable thereto if this act had not been passed: *And provided further,* That all patents for lands hereafter taken up in said district shall expressly reserve to the United States and its lessees all deposits of coal, lignite, and associated minerals in the lands patented, and the right to use so much of the surface as may be necessary in the mining thereof: *And provided further,* That all deposits of coal, lignite, and associated minerals belonging to the United States in the District of Alaska, with the right to use so much of the surface as may be necessary in the mining thereof, shall be disposed of only by lease, under such rules and regulations and upon such terms and conditions as the Secretary of the Interior, with the approval of the President, may prescribe: *Provided,* That no lease shall be made to any one person, association, or corporation of deposits underlying a greater area than 2,560 acres, nor for a longer term than thirty years; nor shall any such lease be assigned or otherwise disposed of except by the express permission of the Secretary of the Interior; and all such leases shall be reported to Congress at the beginning of the first session following the granting of such leases.

Mr. BEVERIDGE. Mr. President, I shall try in a very few moments to make perfectly clear to the Senate the provisions and purposes of this proposed amendment. It is a combination of two brief bills which I introduced into the Senate the latter part of February, immediately after a notable hearing concerning the coal fields and the resources of Alaska before the Committee on Territories, of which I have the honor to be chairman.

At these hearings some very extraordinary facts were developed on cross-examination. After that it appeared to me, after a good deal of study, that the time was ripe when some such step as this should be taken.

These coal lands in Alaska were, I believe——

Mr. KEAN. Was this amendment reported by the Committee on Territories?

Mr. BEVERIDGE. No; I am stating its history.

Mr. KEAN. I do not remember the committee ever considering it.

Mr. BEVERIDGE. No; it did not.

Mr. KEAN. I thought the Senator stated he introduced these bills and had them referred to the Committee on Territories.

Mr. BEVERIDGE. No; I said that immediately after the hearing of what was known as the "Alaska Syndicate" representatives before our committee, of which the Senator is a member, the developments of that testimony were so important and weighty that it appeared to me that some legislation, such as is embraced in this amendment, should be had, and so I prepared these two short bills, which are now combined in this amendment, and did it with a good deal of care.

Mr. KEAN. The Senator will pardon me. I want to find out if these bills were introduced and referred to the Committee on Territories.

Mr. BEVERIDGE. No. Then, Mr. President, I introduced the bills on February 23, and suggested that they should be referred to the Committee on Territories, having first conferred with the honorable Senator from Minnesota [Mr. NELSON], who

is the chairman of the Committee on Public Lands, to which committee all such bills had heretofore gone.

I said to the Senator then, as he desired that the reference of them should be to his committee, that I would yield to that request, but I submitted some observations to show why it was that all legislation which affects Alaska exclusively should go to the Committee on Territories. But after the bills were introduced they went, at the request of the Senator from Minnesota, to the Committee on Public Lands, where they are now. That was February 23.

WITHDRAWAL OF COAL LANDS IN 1906.

Mr. President, these coal lands in Alaska, which are of such enormous value, as was developed in the testimony before the Committee on Territories, were withdrawn by President Roosevelt in 1906. This amendment in withdrawing the lands in Alaska by act of Congress merely confirms that executive withdrawal and makes it unquestionably legal, if anybody questioned the legality of the act of the President, because it now makes it the act of Congress itself.

The act of President Roosevelt in withdrawing these coal lands in Alaska in 1906 was not only right, wise, and necessary, but it was also clearly legal; yet, if questioned, this amendment confirms it. This amendment reenforces President Roosevelt's most righteous and most wise policy in that regard. Also, as I shall show, it carries forward into law another great principle which he announced.

The two fundamental principles which underlie that portion of the whole conservation policy relating to coal and certain other mineral deposits and the use of the lands above them are contained in this amendment. They are the foundation principles of this phase of the conservation movement, which President Roosevelt so powerfully urged and which compel the people's resources to be managed for the people's welfare.

The same thing was advanced much more elaborately in a very long bill affecting the mineral fuels introduced by the Senator from Minnesota about three years ago, which, I am told, was prepared by the Department of the Interior and which was then understood to be the administration measure. The same principle was extended to deposits of asphalt and phosphate by the last administration and by the elaborate bill drafted by the present Secretary of the Interior and introduced here last January by the same distinguished Senator.

THE PROPERTY OF THE NATION.

Mr. President, those principles are that where there are deposits of coal or these other minerals the surface above shall be separated from the deposits below—the surface to be open to entry by homesteaders or others like any other public lands, but the deposits to be retained forever as the property of the Nation. That is the first great principle.

Let the surface be occupied for agriculture and homestead purposes, but let the fuel deposits, let these mineral deposits, be kept as the property of the Nation, to which they belong, instead of being handed over under inadequate mining laws to become the absolute property of those who enter and exploit them. That is the first principle, Mr. President.

THE LEASING SYSTEM.

The second one is this, that these fuel or mineral deposits shall then be developed under the leasing system; that any person who wants to develop the coal or other deposits may do so upon paying to the Nation for every ton of coal taken a royalty that shall be agreed upon between the Nation, which owns the coal, and the person who is developing it. This principle is that the title to these deposits shall remain forever in the people, and the men or corporations who develop these deposits shall pay the people a royalty for doing so.

I believe that is an accurate statement of the two principles which underlie and give vitality to this phase of the conservation movement which President Roosevelt so determinedly insisted upon. The two great principles are retaining the ownership of the coal, phosphate, asphalt, and mineral fuel itself in the people and the operation—the development—of them by private individuals, who shall pay the people for that privilege, the surface of the land in the meantime being used by settlers for agricultural and homestead or other purposes.

These principles of correct public policy and, indeed, of common honesty, first announced as an official policy by President Roosevelt, are adhered to by President Taft. But the important thing is that they are right.

SAVING TO THE PEOPLE.

Mr. President, these are principles which if they had been followed for the last fifty years would have saved the American people almost all of their taxes. They would have paid our national debt after the civil war was over.

I never shall forget a conversation with the late Senator from Iowa, Mr. Allison, who at the time of his departure was the Nestor of this body and a monument of wisdom. Some years ago, in speaking of this very idea as applied to copper, he said that if the copper deposits in certain portions of this country had been retained by the Nation and if they had been developed by private interests, upon a leasing system, the income that the country would have had from them would have been incalculable, and that one of the most serious and incredible mistakes which we had made as a government was to deliberately give away to private interests not only the right to operate the copper deposits and the coal deposits and other minerals which belonged to the Nation, but actually to give the property itself to them. That has resulted in some of the mightiest fortunes that even this financially wizard-like country ever has produced.

It would have been better for the American people if those great deposits, from which those fortunes have been derived and which belonged to the American people, had been kept by the American people instead of having been given to private persons and private interests, not that they might remain undeveloped, as some have said in the course of this debate; not at all, but that they should be developed at a fair profit to the private interest that developed them upon the payment of a reasonable royalty to the people to whom they belonged.

Why should not the people get some of the income from their own property? Why should it all go to private interests? Why should Congress, the people's servants, have given away the people's property to private interests? Above all, having made that mistake heretofore, why should we continue it now? It is outrageous, and for one I shall never consent to it.

FUNDAMENTAL PHASE OF CONSERVATION MOVEMENT.

It was those great considerations of plain common sense and simple justice that inspired, I have no doubt, the late President of the United States to announce this as one of the most fundamental phases of the whole conservation movement. And it was these principles which were presented as an administration measure in the bill introduced some three years ago. I have always wondered why a proposition so plainly right, so undeniably in the interest of all the people whom we represent, was not long ago enacted into law.

Mr. President, some weeks ago I looked over some of the very powerful editorials on the subject of the conservation of our natural resources that have appeared during the last few years in the Century Magazine. They were written by Robert Underwood Johnston, the editor of that great publication, and I think that he is the first who suggested the general idea.

In one of those weighty editorials he stated that if we had pursued this plain policy of undeniable justice and simple honesty in the beginning, so great were the resources which once belonged to us and which we have deliberately given away, that to-day the American people would not have to pay a dollar or a mill of taxes to support their Government.

VALUE OF ALASKA COAL LANDS.

They have been given away, but not all of them, Mr. President. In the District of Alaska, it appeared by the testimony before our committee, to which I referred a moment ago, that the Bering River coal field, in the heart of which is found the Cunningham claims, are worth at least $900,000,000—an appalling sum; that the Matanuska coal fields are worth at least as much more; that the Bering River coal fields would require $700,000,000 to develop them.

That is to say, there would be a net profit of $200,000,000 upon a single Alaska coal field and a net profit of $400,000,000 upon two Alaska coal fields; and that is the least profit, mind you; and the capital to develop those fields would be furnished by the output from them after the first investment.

I repeat, that was the least profit. That was not the testimony of some theorist or college professor. That was the testimony wrung from a practical engineer, who, so far as engineers employed by private interests are concerned, has probably made a more careful and conservative investigation of the resources of Alaska, especially in the particulars I mention, than anybody else.

As I say, he is the manager of the Alaska Syndicate, a practical engineer, who are prepared to develop this field, and who even are building a railroad to it—at least they have surveyed. Why should this syndicate be given this coal as their private property? Why should this syndicate be given all these enormous profits? Why should not this coal be kept as the people's property? Why should not this syndicate be made to pay the people a part of the profits?

I was so astonished by the enormity of these figures, that I looked up some of the estimates of the Geological Survey. It appears that these two are not the only coal fields in Alaska. It appears that there are vast extents of such deposits, and it is out of the question to estimate their aggregate value. They

run into the billions. If this seems extravagant to anyone it must be remembered that it is the testimony of the Alaska Syndicate's own engineer as well as the official estimate of the Government.

Mr. President, this amendment does not contemplate that these deposits of the Nation's fuel shall be kept from development, so that the people can not use them. That is neither the purpose nor the effect of this amendment. It is neither the purpose nor the effect of the principle involved in the amendment.

Mr. BORAH. Mr. President——

ROYALTY UNDER THE LEASING SYSTEM.

Mr. BEVERIDGE. Just let me finish the sentence. It contemplates the exact contrary—that while the Nation still retains the property, which belongs to all the people, the coal itself shall be developed by private interests, but that these private interests shall pay the people for that privilege a royalty on every ton of the people's coal which those private interests take out, instead of those private interests taking the coal land itself as the absolute private property of those interests.

Mr. BORAH. Mr. President——

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

Mr. BEVERIDGE. Certainly.

Mr. BORAH. I should like to ask the Senator from Indiana if there is a royalty charged, who in the end will pay the royalty?

Mr. BEVERIDGE. I know that the Senator intends to say that the consumer, in the end, will pay the royalty.

Mr. BORAH. I want to know what the Senator from Indiana says.

Mr. BEVERIDGE. I say, in this case, it will not be so. I know the Senator does not want to place himself in a position of opposing the principle of the leasing system. I will answer the question and show I am right.

Mr. BORAH. I want to say to the Senator from Indiana that I do want to place myself in the position of opposing the leasing system. It is the precise proposition which I stated to the Senate to-day. The radical conservation sentiment is that these natural resources of the West shall be made a revenue-producing proposition for the Federal Treasury.

Mr. BEVERIDGE. Is not that better than to make it——

Mr. BORAH. Wait a moment——

Mr. BEVERIDGE (continuing). A revenue-producing proposition for the treasury of private interests?

Mr. BORAH. And that revenue-producing proposition must inevitably rest at last upon the consumer, the people, the ultimate consumer, in whom the Senator from Indiana is always interested.

Mr. BEVERIDGE. I thought I would ask the Senator, when I listened to his most forcible and lucid remarks a while ago, whether he did not think that these deposits, which belong to the people, had not better be a revenue producer for the people who own them than a revenue producer for the private interests that exploit them.

Mr. BORAH. The Senator states the proposition as if one thing had necessarily to follow from the other, or if the other were not true the other thing would be true, neither of which is true. The fact is that there is a method by which the natural resources of the West can be controlled and dedicated to the use of the masses of the people without imposing upon them this burden of paying an extra tax to the Federal Treasury; and it can be very easily done, in my judgment. It does not necessarily follow that we must have a leasing system in order to prevent these lands going into the hands of a monopoly.

I say to the Senator from Indiana that I sincerely believe that those who would be most interested in the leasing system are the Alaska Syndicate. I have not a particle of doubt that they are the only ones who would receive any real benefit from it. It would absolutely deprive the individual operator upon a small scale from operating these mines at all. I think instead of accomplishing what I know the Senator wants it would accomplish the opposite.

Mr. BEVERIDGE. Would the syndicate receive as much benefit from the leasing system, which means that they must pay for the privilege of mining the coal, as they would if they owned the coal outright and took all of the profits, including the royalty which otherwise they would pay to the Government? The Senator does not mean to say that.

Mr. BORAH. Does not mean to say what?

Mr. BEVERIDGE. That the Alaska Syndicate would make more by paying the royalty upon this coal than they would if they owned the coal itself.

Mr. BORAH. No; but I do mean to say that it would give the Alaska Syndicate absolute control of the situation in Alaska.

PURPOSE OF THE AMENDMENT.

Mr. BEVERIDGE. It is impossible for them to have absolute control under our present laws, because while there is no combination of claims allowed now in the United States proper in coal lands, there is up to 2,500 acres in Alaska coal lands; and what is more, and we might as well face it, under our existing law, which is unlike the laws of this country as to coal lands, the Alaska coal lands must be sold for $10 an acre flat, no more and no less, and the Alaska Syndicate could acquire up to 2,500 acres by the combination of private claims at that price, and 2,500 acres would mean $25,000. And this would be worth scores of millions to the syndicate as the testimony of their own engineer shows.

That is where we are under present laws that I am trying to amend. But under my amendment the syndicate can never own a foot of this land; and they can not lease any more of the coal than the Government permits.

Mr. BORAH. The bill which is now before the Senate empowers the President to withdraw all these lands if necessity seems to suggest it; therefore, so far as the withdrawal power is concerned, that is covered by the bill which is now before the Senate.

Mr. BEVERIDGE. They have already been withdrawn by executive order. That was done in 1906.

Mr. BORAH. Yes.

Mr. BEVERIDGE. And the purpose of this bill is to confirm that order.

Mr. BORAH. The bill which is before the Senate protects the withdrawal proposition fully, and if this bill simply covered the proposition of withdrawal I should not object to it, because I presume, by reason of these exaggerated statements which have been made over the country of the necessity of closing up western coal mines for the benefit of eastern coal mines——

Mr. BEVERIDGE. This has nothing to do with western coal mines. This has to do with the enormous deposits of coal in Alaska——

Mr. BORAH. Exactly.

THE ALASKA SYNDICATE.

Mr. BEVERIDGE. Upon which the West itself must soon depend; and the West, and I presume any other portion of this country, would rather have the ownership of these coal lands in the people themselves than in the Alaska Syndicate or anybody else.

Mr. BORAH. The leasing system, however, will make it absolutely certain that the lands will go into the hands of a few men.

Mr. BEVERIDGE. Well, then, why does the Alaska Syndicate want to get hold of these coal lands as their private property? The Senator asked out of whom will this royalty finally come, and of course he expected me to answer "the consumer," in whom, he properly says, I am always interested. Well, as is suggested very pointedly by the Senator from Nebraska, where does the rent of the farm come from? The exact facts about that——

Mr. BORAH. I know where most of it comes from.

Mr. BEVERIDGE. Pardon me a moment. You asked me a question; let me answer it. In this particular case the royalty would not come from the consumer at all. It would come from the man who developed the property and who paid this royalty. Whoever develops the property, whether he pay a royalty or not, is going to charge just as much as he thinks the trade will bear. We have had some months of debate, and the Senator has himself spoken most eloquently and powerfully upon the proposition that railroads would put on as charges all the traffic would bear. So will coal companies. So does the anthracite trust, for example.

Mr. BORAH. That is not the proposition——

Mr. BEVERIDGE. Pardon me a moment——

Mr. BORAH. The Senator is wandering from the proposition.

Mr. BEVERIDGE. I do not think I am wandering, but at least let me wander on in my own way. The Senator will find that I am "wandering" in a very straight path.

Mr. BORAH. The Senator is always interesting.

Mr. BEVERIDGE. It gives me pleasure to have the Senator from Idaho say so. The owners of coal lands in the United States do not make the price of their coal any less because they are not paying a royalty to the Government—not at all. They put the royalty, which otherwise they would pay to the Government, in their private pockets as a part of their increased profits; and that is how it is that these tremendous masses of wealth which have alarmed the Senator, who is a student of economics, have been built up in this country.

Does the Senator suppose that the anthracite coal trust would sell anthracite coal for a cent more if it had to pay royalty on it? No! Not having to pay the people a royalty for the use of this coal, which once belonged to the people, the anthracite trust just puts that royalty into its own treasury instead of into the people's treasury. Everybody knows they charge as much as they possibly can get.

Now, another thing. If they attempt to put the royalty on to the price they would have to come in competition with every other coal mine.

Mr. BORAH. Exactly; and the other coal mines are not paying a royalty. That is what we object to.

Mr. BEVERIDGE. Why, when these other mines have the advantage, why would they object? Why do you object?

Mr. BORAH. Because the burden of this tax will rest upon us in the West, and not on the other people in the country.

Mr. BEVERIDGE. How can the developers of these Alaskan coal mines under the leasing system injure the coal mines in the Senator's State or in Wyoming or elsewhere, since the Alaska mine operators would have to pay a royalty and the other mine operators would not——

Mr. CLARK of Wyoming rose.

NOT TOO LATE TO RETAIN TITLE IN THE PEOPLE.

Mr. BEVERIDGE. Or in Wyoming or any place else. The proposition applies to Alaska only.

Personally I think it is now recognized by most people who have given this subject thought—I think pretty generally students of economics agree—that it would have been the wise thing for us to do, and it is not too late to begin, to retain in the people the title to these great common necessities of the people, instead of giving this great mass of wealth to private interests, who will then sell back to the people what belonged to the people in the first place, and at frightful profit, all at the people's expense.

Mr. CLARK of Wyoming. Mr. President——

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

Mr. BEVERIDGE. Yes.

Mr. CLARK of Wyoming. The Senator has studied quite thoroughly this matter of the leasing of the resources of the country. Is the Senator aware of the profit to which this leasing system has heretofore led when it has been tried? Of course the Senator knows that it is no new proposition; that the Government of the United States did lease its lead resources upon a royalty. Is the Senator familiar with the results, so far as the Government itself is concerned, of this leasing proposition as a revenue producer?

Mr. BEVERIDGE. No.

Mr. CLARK of Wyoming. I will say to the Senator that the total product of that long series of experiments in mineral leases was that it cost the Government $3 out of the Treasury for every dollar it put into the Treasury, and the system was voluntarily abandoned. I am astonished that the Senator from Indiana has not run across that in his very elaborate study of the question.

Mr. BEVERIDGE. No; I did not; and I am very much obliged to the Senator.

Mr. CARTER rose.

COST TO THE GOVERNMENT.

Mr. BEVERIDGE. But is it not a rather extraordinary thing how it is that a landlord, to use the term of some person here this afternoon, would lose $3 for every dollar of rent he receives? That is queer mathematics. According to the Senator it would be much cheaper not only to give the property away, but to pay some one for taking it.

Mr. CARTER. Mr. President, the problem which disturbs the Senator is not a matter of speculation. The assertion of the Senator from Wyoming is confirmed by nearly half a century of experience. The truth is that beginning with the establishment of the Government and the cession of the Northwest Territory to the General Government there was established in the inexperience of our country a system of leasing. The private initiative and right of ownership being ignored, the Government sought to assert a general scheme of landlordism as a national policy. Not only was it dealing with the mines of Missouri, but likewise the copper mines of Michigan were leased for nearly fifty years.

Mr. BEVERIDGE. Then this is not a newfangled notion of paternalism after all.

Mr. CARTER. The Senator has manifestly overlooked the practical experience in connection with this subject. The lease occurred in two ways. In the first place, no one was found willing to make the primary investment necessary to develop a mining and smelting operation on a loss. It was in the main irresponsible adventurers who became the lessees. The Government was compelled to employ inspectors and supervisors to take up the leaseholds and the products thereof, with the result that after fifty years of experience this leasing system was pronounced the most dismal failure, financially and economically, and in all respects involving the well-being of the country.

If the Senator from Indiana desires to consult this experience, he may find it set forth in clear and unmistakable language in the record of the proceedings found in a volume compiled many years ago, known as the Public Domain of the United States. The seal of disapproval was placed upon the scheme by fifty years of experience.

This country of ours, Mr. President, was developed by giving to individual initiative fair rewards. No country has ever developed either manly citizenship or great resources on a scheme of landlordism, and the scheme is just as vicious when the sovereign is the landlord as when the corporation or monopoly becomes the landlord. Homes have been established from the Atlantic to the Pacific because this Government placed a premium upon home building by giving to every man the title to the land which he fairly earned by his industry and his devotion to his duty and obedience to the law.

To many of the American people a body of tenants at this stage in our national development is not only impossible, it is utterly absurd. The conservation of coal in Alaska leads at present to the transportation from West Virginia to Valdez, in Alaska of all coal that is needed on this coast, and will be needed here for generations to come, while the people who are buying the coal at Valdez are within gunshot of mines of greater value and greater productive capacity than the mines of West Virginia from which the coal is shipped around the Horn, down the Atlantic coast, and up the Pacific, a distance that I will not undertake to accurately state at this moment.

Mr. President, this is not conservation; it is waste, criminal waste, transferring a portion of the public resources from the Atlantic coast over to the coast of Bering Sea on the north Pacific, which is more needed here than there. The leasing system can never be fixed upon the American people. The southwestern portion of the State represented by the Senator from Missouri [Mr. STONE], who honors me by attention, was held in arrest in the matter of development for over fifty years by this wretched system of attempting to collect toll from the miners and the smelters. The State of Michigan was held back in the same manner in the development of great copper mines that have become world renowned under a proper system of development.

The leasing of land is just as vicious as the leasing of mines. We are a land-owning, home-loving people, and we can not at this late date in our progress as a people go back to a system which has been tried and found wanting and has been discarded.

Mr. BEVERIDGE. Mr. President, what the point of our being a home-loving people has to do with the proposition to give to private interests enormous deposits of coal lands in Alaska which belong to the people is what I can not comprehend. We are a home-loving people; but why give away our fuel, which warms our loving homes, to private interests that will grow rich making our loving homes poor for what we owned ourselves and gave away for nothing?

Mr. CARTER. The home-loving people fairly elucidate the idea expressed by a great man in this country, who, in speaking of tenantry in general, said that no man would take up a shotgun to defend a boarding house. There never was——

Mr. BEVERIDGE. What have boarding houses to do with the proposition to give away these great deposits of coal in Alaska? What has a shotgun got to do with it? Home-loving people is a beautiful sentiment, and especially when it falls from the lips of my friend from Montana; but just exactly what argument there is in that against the people who have these loving homes keeping their own coal that is to warm their loving homes is something I can not comprehend. According to the Senator, the way to make those homes happy is for those people to give away to some private interest all coal that will warm them in the present and future generations and let these interests get all the profit from this very coal that belongs to the people—splendid logic.

I should think that it would not make these homes more unhappy to have the people who live in them keep their coal and make the private interests pay the people a royalty, thus lessening the people's taxes on their homes.

Mr. CLARK of Wyoming. Will the Senator from Indiana yield to me for a question?

Mr. BEVERIDGE. Of course.

Mr. CLARK of Wyoming. In line with the question which the Senator asks of the Senator from Montana, as to what home loving has to do with the proposition of giving away coal——

Mr. BEVERIDGE. No; that is not what I said. I said, What has the beautiful sentiment of our being a nation of home-lovers to do with the proposition of giving away to

private interests the coal that belonged to those very home lovers? Why not keep it for our loving homes?

Mr. CLARK of Wyoming. That is what I said, only I put it in a much homelier way. But, Mr. President, the question I want to ask the Senator is, conceding that the coal lands belong to all the people, considering what he says on the same lines, that the agricultural domain belongs to all the people, does the Senator see any difference in principle between the leasing of mines, which belong to all the people, and leasing agricultural lands, which belong to all the people?

LEASING OF MINES AND LEASING OF AGRICULTURAL LANDS NOT PARALLEL.

Mr. BEVERIDGE. I do, indeed. So does the Senator. Now, let me answer the Senator. This very amendment provides that the surface of the land shall be separated from the deposits——

Mr. CLARK of Wyoming. Mr. President——

Mr. BEVERIDGE. Wait a minute. And that it shall be entered as homestead entry. Now, the reason why the surface land itself ought to be owned by individuals among the people, all of whom owned the original title to it instead of being leased to them, is because these people live there. The people live on the surface land—not in the coal mine. But the coal beneath is needed not only by the man above, but by all the people of the whole Nation. It is a universal necessity.

Take the anthracite trust of Pennsylvania. Does the Senator mean to say that there is any parallel between a man owning his house and barn and little farm and that great organization of wealth owning a tremendous deposit of the Nation's fuel, which once belonged to all the people and now belongs to private interests and is sold back to the people again at just as high a price as they—the trust—can get?

Mr. CLARK of Wyoming. The Senator evades with his customary ability a direct answer to my question as to the principle involved in this tenantry business.

Mr. BEVERIDGE. I think I have explained it very clearly. I explained it in the opening of my remarks, which I intended to be brief, and which would have been concluded if it had not been for the interruptions, which, of course, are always welcomed.

Mr. CLARK of Wyoming. Of course, I understand perfectly that the Senator's bill provides that the surface can be sold, but that that under the surface must be leased.

Mr. BEVERIDGE. That is true, and I have given my reason for that.

Mr. CLARK of Wyoming. In principle, if both the surface and what lies under the surface is the property of all the people, to be exploited for the benefit of all the people, and not to pass into private ownership, why should we pass into private ownership the surface, and keep from private ownership what is underground?

A UNIVERSAL NECESSITY.

Mr. BEVERIDGE. Because that which is underground is a universal necessity of all the people, including not only the man who lives above it on the surface but everyone else throughout the entire Nation. The land above it is not a universal necessity to everybody, but the coal beneath the surface is a universal necessity. It is like fuel or it is like oil; it is like water or it is like something that everybody must have. The people need it. They are entitled to it. It is a public necessity.

Mr. CLARK of Wyoming. Will the Senator allow me just a moment? His argument is that coal is a necessity of life, but that food is not.

Mr. BEVERIDGE. My proposition is that coal beneath the surface is a universal necessity. Not only that, but the land above the coal may be of no value at all.

On the other hand, it may be of value for one man making his home there. That has no relation, and the Senator does not believe himself it has any comparison with that which is beneath the surface and which is of universal necessity, not only to the man who lives immediately above it but the man who lives in New England and the man who lives in Wyoming, or lives anywhere else, because it is one of those things which we must have.

The fuel deposit belongs to the Nation. That is true in law, it is true in fact, and it ought to be kept there instead of being given away to private interests to create incalculable private wealth at the expense of the people. They should develop it and pay the people for it. Then the people would have fewer public taxes to pay, although we would not have such vast private fortunes accumulated.

Mr. CLARK of Wyoming. I wish to correct what the Senator says. He says that I see the difference in principle between leasing agricultural lands and leasing coal lands. I want to say to the Senator that he may see the difference in principle but I do not.

Mr. BEVERIDGE. I do see it. I see it with great clearness. I know there are some who have so contended—though I think not in any book upon economics—some gentlemen who are part owners of enormous deposits which are a universal necessity to all the people and belong to them, have contended that these deposits should not belong to the people at all but to their own dear, private selves.

Mr. NEWLANDS. Will the Senator from Indiana yield to me?

Mr. BEVERIDGE. Yes; although I expected to be through before this time.

Mr. NEWLANDS. Let me suggest to the Senator from Indiana that coal below the surface of the land is not suitable for homes, that you can hardly make a home in a coal mine; but the surface is admirably adapted to homes, and therefore to private ownership.

Mr. BEVERIDGE. That very brilliantly illuminates the point I was trying to make a moment ago.

Mr. BORAH. If the coal lands are withdrawn in Alaska and the forests are withdrawn in Alaska and the surface is left to the citizen, I should like to ask the Senator from Indiana how many citizens he thinks will go there and pay for the price of coal shipped from West Virginia to Alaska to warm their houses?

NO EFFECT ON GROWTH OF POPULATION.

Mr. BEVERIDGE. Allow me to ask the Senator a counter question. If all the coal in Alaska is in the hands of an Alaska syndicate and all the timber in Alaska is exploited by private interests, what citizen would want to go there at all or would then be a tenant?

Mr. BORAH. If the Senator from Indiana, with his wide knowledge of legislation, shall devise a scheme by which to develop these coal mines and keep them out of the hands of monopolists, I will support his measure, but I will not consent, so long as I am able to prevent it, that there shall be a leasing system attached to the West to feed the Federal Treasury when the coal mines of the East must necessarily be in competition with the coal mines of the West. That is one form of favoritism to our eastern monopolist I can not approve.

Mr. BEVERIDGE. That does not affect the Senator now, because these very Alaska coal mines—but let us come to this question.

Mr. BORAH. We should be permitted to use the Alaskan coal mines to supply the needs of the West without imposing upon the people who use the coal this extra leasing tax.

Mr. BEVERIDGE. I am proposing that we shall use them and develop them at once. But you would have to pay in any event a part of the price instead of all of it going into the pockets of private interests to develop it. A part of it would go to the people who would own it.

Mr. BORAH. I saw the other day an estimate of a very brilliant gentleman, who is an advocate of some theory of conservation, to the effect that within the next fifteen years the six public-land States ought to be paying $45,000,000 to the Federal Treasury out of power sites alone.

Mr. BEVERIDGE. I know nothing about power sites, and I am not competent in the smallness of my information to hold any debate on that point.

Mr. NELSON. Will the Senator allow me a word?

Mr. BEVERIDGE. In just a minute.

The VICE-PRESIDENT. The Senator from Indiana declines to yield.

THE SLAUGHTER OF OUR FORESTS.

Mr. BEVERIDGE. In a minute I will yield to the Senator. There has hardly been a statement made that has not reenforced the clear and plain argument in favor of these two principles, which were first announced as a matter for definite law and public policy by the former President of the United States, Mr. Roosevelt.

The Senator from Montana, in the admirable speech with which he favored me in thus illuminating my own poor remarks, spoke about Michigan having been held back by the leasing system. I suppose the reverse of that will be that Michigan had been developed by the individual initiative that we hear so much about.

I have been somewhat over Michigan. I have seen those forests that constituted a great part of the wealth of that State and which belonged to all the people ruthlessly slaughtered, not only to the ruin of the timber resources of that State but to the land around it. I have seen the same thing in other States. Where did all that money go? It went into the already bulging pockets of millionaires about whom we hear in this Chamber so much denunciation, perhaps unjust. I do not blame them for getting what by law the people's repre-

sentatives permitted them to get. I do not blame them as a legal matter, but I do as a moral matter.

Mr. BORAH. Is it not fair to take into consideration that this lumber went into homes, churches, schoolhouses, and so forth? Is not that magnificent hive of industrial prosperity found now in the State of Michigan better than the solitude which obtained when the "primeval forests" were there?

WHERE THE PROFITS WENT.

Mr. BEVERIDGE. Yes, it did; and that is right. It belonged to the people in the first place, and it went into their homes and other buildings. But who got the profit? Did the people who owned that timber? They did not; every cent of the profits from that timber went into the pockets of private interests when part of it should have gone into the pockets of the people who own it.

Another thing: If that had been the system, if it had not been for the savagery of a certain kind of "individual enterprise," those forests would not have been so ruthlessly slaughtered. They would have yielded more lumber without being destroyed. I have gone through the forests of certain States in this country and seen trees of value cut down and left to rot, just to get out some tree of some special value.

I have seen an inestimable amount of footage lying rotting on the ground, left there just because the get-rich-quick-at-the-people's-expense magnates could cut it down to get out the extra choice timber, and then let the remainder rot there because it was inconvenient to take it out. That is what "private development," or rather private slaughter, has done in a good many States that I have observed in this country.

"INDIVIDUAL INITIATIVE."

The Senator from Montana talks about "individual initiative" having a fair reward. That is precisely what I want it to have; but I do not want it to have an extortionate reward. This principle of keeping the title to our coal and our mineral deposits in the Nation does not mean that we are going to wipe out "individual initiative." It means merely that we are going to limit the extortionate rewards of "individual initiative." Give them a fair reward, yes; even a generous reward, yes; but give them all the profit that flows from this property of the people? No, Mr. President. Senators may not think so, but that day is past.

Mr. President, the Senator from Montana gave a very remarkable account of the failure of the leasing system in this country. I must believe everything the Senator says, but I doubt this. I can not quite see why it should fail.

It seems so simple, so reasonable, and so businesslike, and it has not failed any place else in the world. But the Senator revealed the reason. He said it was because "irresponsible people" were the lessees. I do not think we will have that trouble now. By "irresponsible people" I suppose the Senator meant men who did not have any money to develop, men who would not pay the royalties, and men who would run away. If that is what the Senator means, he knows that is not the situation now. I guess that this property will be developed by financially responsible people everywhere, people so financially responsible that they want the whole thing.

THE IMPORTANT QUESTION.

The question is—and it is the sole question, too, so far as this branch of the thing is concerned—whether you want to give the whole title of all of the property to these interests that are to develop it, or whether you want to keep the title in the people and give the interests that dig the people's coal only a part of the profit—a profit large enough to be fair to those interests, to pay them for their investment, for all their risk, and then give the rest of that to the people; or whether you want to give the private interests all of the profit and all of the property and keep nothing for the people. Now, that is the question and you have got to face it.

"CRIMINAL WASTE."

Mr. President, the Senator spoke about "criminal waste." From the observations that I have made, the trouble has been in the States where forests have been ruthlessly slaughtered. I do not speak as a student of forestry; I speak as a man who has had experience in lumber camps in my youth, and I say that I have gone through many forests in this country, where not only the trees had been cut down foolishly and needlessly, but where they had been cut down ignorantly, and where millions and tens of millions and hundreds of millions of feet of lumber were lying rotting on the ground, merely because it was not convenient to get it out.

That is the "criminal waste" of that system, and it applies, too, to other of our natural resources. I can not imagine that the leasing system, which proposes to hold the title to the property which belongs to the people in the hands of the people, with a royalty to be paid for the privilege of exploiting it, could ever be so "criminally wasteful" as that.

Just one sentence more and I am through. Much of my time has been taken up by interesting interruptions or I do not think I should have taken fifteen minutes. I have not taken very long, even now.

THE SYSTEM OF OTHER COUNTRIES.

In other countries of the world this system works, and works well. It furnishes a revenue to the Government, and it lessens the taxes of the people to that extent. What other countries do, we, the most practical people on earth, can do even better. It is useless to say that this does not accord with the "genius of our institutions" and with "Anglo-Saxon civilization," and such catchwords. That does not answer the proposition of simple justice, on which, above all, our civilization, and every other civilization which is worth while, rests.

THE "INTERESTS" V. THE "PEOPLE."

Mr. President, in presenting this amendment, which is a combination of these two bills, I wish to say they were prepared with very great care, with the aid of Mr. Wells, who is the legal adviser, I think, of the National Conservation Association. They encompass the two great principles upon which rested this phase of the conservation advanced by Mr. Roosevelt, and which were embraced in the bill offered by the Senator from Minnesota [Mr. NELSON] three years ago. We will have an opportunity of voting whether or not we are in favor of giving all of our resources in Alaska to private interests or whether we are in favor of keeping the title in the people and charging the interests a royalty for developing.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Indiana to the amendment of the committtee. [Putting the question.] By the sound the noes seem to have it.

Mr. BEVERIDGE. I ask for the yeas and nays; and I hope I will be given the yeas and nays upon this question.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

Mr. SMOOT. Mr. President, on page 2, line 14, I move to strike out the words "and the Territory" and insert "including the District," so as to read:

Public lands of the United States, including the District of Alaska.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2 of the committee amendment, line 14, it is proposed to strike out the words "and the Territory" and insert the words "including the District."

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

Mr. HUGHES. I should like to make an inquiry as to why that change is made? The Supreme Court has decided Alaska to be a Territory.

Mr. SMOOT. Mr. President, the bill now reads:

That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States and the Territory of Alaska—

The public lands of Alaska are public lands of the United States; but in order to have it follow the language of all of the other acts we have passed in relation to the public lands, it is proposed to say "public lands of the United States, including the District of Alaska."

Mr. HUGHES. Why call it a "district" when the Supreme Court has decided that it is a Territory? That is the point.

Mr. NELSON. Mr. President, if the Senator will allow me, the necessity for this amendment is that our general land laws do not apply to Alaska, except where we have especially made the application by statute. Alaska has a distinct coal-land law, a distinct homestead law, and a distinct law in regard to town sites or trading stations near the seacoast. The necessity for the amendment is that the bill would not apply to Alaska, whether you call it a district or a Territory, unless such language is inserted.

Mr. HUGHES. I have no objection to Alaska being included, but the word "Territory" has been decided by the Supreme Court to be the proper description of that land. I know it is sometimes called a "district," but it is a Territory. You may say "district or Territory," if you please, if that is done to escape some technical objection.

Mr. NELSON. It is done to include Alaska; that is all.

Mr. HUGHES. Certainly; Alaska should be included.

Mr. NELSON. And it is intended for that purpose.

Mr. HUGHES. But I do not think that the word "District" should be substituted for the word "Territory."

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. SMOOT] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GORE. I move, after the words "District of Alaska," to insert the words "and the Philippine Islands."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the words "District of Alaska," in section 1, page 2, line 15, it is proposed to insert "and the Philippine Islands."

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma to the amendment of the committee.

The amendment to the amendment was rejected.

The amendment as amended was agreed to.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BRADLEY. I ask unanimous consent to call up a bill on the calendar.

Mr. KEAN. I move that the Senate adjourn.

The VICE-PRESIDENT. The Senator from New Jersey objects and moves that the Senate adjourn.

Mr. BEVERIDGE. I ask the Senator to withhold his motion for a moment, as I desire to enter a motion to proceed to the consideration of the statehood bill.

Mr. SMOOT. I ask the Senator to yield to me in order that the title of the bill which has just been passed may be corrected.

Mr. KEAN. I will withhold the motion in order that the title of the bill which has just been passed may be corrected.

Mr. SMOOT. Since adding the $30,000,000 item for the Reclamation Service the title should be amended.

Mr. BEVERIDGE. I hope the Senator from New Jersey [Mr. KEAN] will withhold his motion for a moment. I want to enter a motion to proceed to the consideration of the statehood bill.

Mr. KEAN. I will withhold the motion to adjourn for the purpose of allowing the Senator from Utah [Mr. SMOOT] to ask that the title of the withdrawal bill be corrected.

Mr. SMOOT obtained the floor.

Mr. BAILEY. If the Senator——

The VICE-PRESIDENT. The Senator from Utah has the floor.

Mr. BAILEY. I thought the Senator from New Jersey had made a motion to adjourn.

The VICE-PRESIDENT. The Senator did make such a motion. Does the Senator insist upon it?

Mr. KEAN. I withhold that motion to allow the title of the withdrawal bill to be corrected.

Mr. BAILEY. I object to that. The Senator from Indiana [Mr. BEVERIDGE] wants permission to submit a motion.

Mr. BEVERIDGE. I insist that the Senator withhold his motion. I insist upon moving to take up the statehood bill.

Mr. KEAN. The title of this bill must be amended; and I yield to have it amended.

Mr. BAILEY. The Senator from Indiana has a motion that needs to be adopted.

Mr. KEAN. After my motion is first made.

Mr. BEVERIDGE. I hope the Senator from New Jersey will withdraw his motion, so that I can now enter my motion to proceed to the consideration of the statehood bill.

Mr. KEAN. I will withhold the motion so as to allow the Senator from Utah to ask that the title of the withdrawal bill be corrected.

Mr. SMOOT. Mr. President, I call attention to the fact that the title of the withdrawal bill should be amended. I will ask that the words "and for other purposes," be added to the title.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the title is amended as indicated.

ADMISSION OF NEW MEXICO AND ARIZONA.

Mr. BEVERIDGE. Now, I ask the Senator to withhold the motion until I can enter mine on the statehood bill.

Mr. KEAN. I move that the Senate adjourn.

Mr. BEVERIDGE. The Senator will not gain anything by that.

Mr. BAILEY. We will vote it down.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey that the Senate adjourn.

The motion was not agreed to.

Mr. BAILEY. I move that the Senate proceed to the consideration of the statehood bill.

The VICE-PRESIDENT. The Chair has recognized nobody.

Mr. BEVERIDGE. I make that motion myself; I have already made it.

Mr. BAILEY. The Senator said he was going to leave the Chamber.

Mr. BEVERIDGE. I have made it.

The VICE-PRESIDENT. Will the Senator from Indiana state his motion?

Mr. BEVERIDGE. I move that the Senate proceed to the consideration of the statehood bill.

Mr. KEAN. Pending that motion, I move that the Senate adjourn.

The VICE-PRESIDENT. The Senator from Indiana moves that the Senate proceed to the consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 18166) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

The VICE-PRESIDENT. The question is on agreeing to the motion.

The motion was agreed to.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 16, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 15, 1910.*

The House met at 11 o'clock a. m., and was called to order by Mr. Alexander McDowell, its Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 15, 1910.

I hereby designate the Hon. SERENO E. PAYNE, of New York, to act as Speaker for this day.

J. G. CANNON.

Mr. PAYNE thereupon assumed the chair as Speaker pro tempore.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

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

PORTO RICO.

The SPEAKER pro tempore. This being calendar Wednesday, the bill last under consideration was the bill H. R. 23000, a bill to establish a civil government in Porto Rico, and for other purposes. The bill was being considered in Committee of the Whole House on the state of the Union, and under the rules the House is in Committee of the Whole House on the state of the Union, and the gentleman from Pennsylvania [Mr. DALZELL] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 23000, which the Clerk will read.

The Clerk read as follows:

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

Mr. HULL of Tennessee. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by inserting after the word "him," in line 5, page 2, the words "to have copy thereof."

Mr. OLMSTED. I have no objection to that amendment, Mr. Speaker.

The amendment was agreed to.

The Clerk read as follows:

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

Mr. HULL of Tennessee. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Amend by adding after the word "offenses," in line 15, page 2, "when the proof is evident or the presumption great."

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

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

The Clerk read as follows:

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

Mr. HULL of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after the word "allowed," in line 23, page 3, the following words:

"And that no political or religious test other than an oath to support the Constitution of the United States shall be required as a qualification for any office of public trust under Porto Rico."

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

The Clerk read as follows:

That the rule of taxation in Porto Rico shall be uniform.

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

The Clerk read as follows:

Amend, on page 4, by adding, in line 1, the following words: "upon the same class of subject."

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

The Clerk read as follows:

That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

Mr. WILSON of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

That eight hours shall constitute a day's work in all cases of employment by and on behalf of the government or any municipality of the island.

That the employment of children under the age of 14 years in any occupation injurious to health or morals or especially hazardous to life or limb is hereby prohibited.

That the right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation.

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

Mr. OLMSTED. Mr. Chairman, while I can not, upon this amendment, speak for the Committee on Insular Affairs, I personally have no objection to the amendment. I violate no confidence in stating that I presented that same amendment in committee, but at the time it was under consideration there were less than a quorum present, and some of those who were present were rather inclined to think that this was perhaps hardly a proper or necessary provision in an act of Congress which is intended to be a constitution for Porto Rico, but rather that we should leave these subjects for legislation by the insular legislature. That, however, is a question which I am entirely willing that this House shall determine without further observation on my part.

Mr. DOUGLAS. Will the gentleman yield to have the amendment read again? I did not catch the first and last parts.

The CHAIRMAN. If there be no objection the amendment will be reported again.

The amendment was again read.

Mr. OLMSTED. If the gentleman will allow me just a moment, that amendment was handed to me by Mr. Santiago Iglesias, a Porto Rican, president of the Independent Federation of Laborers of Porto Rico. He said over his own signature on another subject, not directly on this, but nevertheless pertinent, as showing that some misrepresentations have been made concerning this bill:

I just read in a New York paper a dispatch from Washington, dated March 11, which says as follows:

"Santiago Iglesias, general organizer of the American Federation of Labor for Porto Rico, states in a dispatch to Porto Rican representatives now in Washington that the islanders have pronounced bitterly against the Olmsted bill; that they expected a measure of self-government, and that organization of workingmen have been holding conventions in cities all over the island asking that Congress enact reforms for Porto Rico."

The dispatch being a general protest against the Olmsted bill, and because it is absolutely false, for we never sent dispatches to the Porto Rican commission now in Washington, and it is untrue that Porto Rican labor conventions were held for protesting the Olmsted bill. Therfore I request you to communicate to the Bureau of Insular Affairs, and the chief, General Edwards, that the free federation of workingmen of Porto Rico, and the undersigned, have never sent dispatches to any person in Washington, notwithstanding the Port Rican labor convention now in session will definitely decide its opinion upon such an important question.

Mr. LARRINAGA. Did I understand the gentleman from Pennsylvania to read something there referring to the Commissioner of Porto Rico?

Mr. OLMSTED. No; the gentleman is not mentioned in this communication. Mr. Iglesias expressed himself as very much in favor of the provisions of the bill, but he desired the amendment that the gentleman from Pennsylvania [Mr. WILSON] has offered. As I said, it is just a question whether this House wishes to put these provisions in this organic act which is intended as a constitution for Porto Rico, or whether it will leave them for the legislature of Porto Rico to pass upon in its own discretion.

Mr. WILSON of Pennsylvania. Mr. Chairman, this entire bill is based upon the theory that the Porto Ricans are not in a position to take care of themselves in the way of self-government. I know of no method by which they can be more rapidly advanced to the position where they can become absolutely competent for self-government better than by including in the organic law a provision that will insure ample time for the employees of the government to make themselves competent for self-government, and through them reach those who it is claimed are not yet competent for self-government.

In addition to that the committee itself proposes as an amendment to the existing law the following:

No law shall be effective in Porto Rico which shall prevent in the case of positions requiring expert scientific knowledge the free transfer of persons in the classified service between Porto Rico and the United States, or which shall prevent any citizen of the United States or of Porto Rico from taking civil-service examinations for such position at any time upon application therefor, or the appointment of eligibles as a result thereof, without preference to residence at the time of such examination or appointment.

It is proposed to offer as a committee amendment that employment in certain cases shall be interchangeable between the United States and Porto Rico, and we already provide an eight-hour workday for those who are employed by the United States directly. In my judgment, there is no reason why the same eight-hour workday should not be embodied in the organic law of Porto Rico.

The second clause of the amendment provides for a limitation of the age at which children may be employed in dangerous or unhealthful occupations, and places that age limit at 14 years. There are some States in this Union that place the age limit at 16 years for children engaged in dangerous occupations. There is no reason why the age limit for children employed in dangerous occupations should not be embodied in the organic law of the island.

The same is true of the third clause, with regard to there being no power on the part of the legislature of Porto Rico to fix by statute any limitation to the amount that can be recovered in damages for death resulting from injury from accident. So I believe that this amendment should be enacted into the organic law of the island in order that we may promote the best interests of those who are living in the island and bring them to the point where they will be absolutely capable of self-government at the earliest possible moment. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. WILSON].

The question being taken, the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendment 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, disagreed to by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. CLAY as the conferees on the part of the Senate.

The message also 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. 8914. An act to open to settlement and entry, under the general provisions of the homestead laws of the United States, certain lands in the State of Oklahoma, and for other purposes;

H. R. 23094. An act to provide for sittings of the United States circuit and district courts of the western division of the western judicial district of Missouri at the city of Chillicothe, in said district; and

H. R. 21219. An act to provide for sittings of the United States circuit and district courts of the eastern division of the eastern judicial district of Missouri at the city of Rolla, in said district.

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. 4199. An act to increase the limit of cost of the United States post-office and court-house at Colorado Springs, Colo.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 26318. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Sacramento, Cal., and of the southern division of the southern district of California at San Diego, Cal.

CIVIL GOVERNMENT FOR PORTO RICO.

The committee resumed its session.

The Clerk read as follows:

SEC. 6. That any citizen of Porto Rico, as defined by the preceding section, who is over 21 years of age, may hereafter be admitted to become a citizen of the United States by declaring on oath before any court now authorized or that may hereafter be authorized by law to naturalize aliens, or before the district court of the United States for Porto Rico or before any district or municipal court of Porto Rico, that said citizen was on April 12, 1900, and has been continuously since that date, or has been continuously since birth, a citizen of Porto Rico as defined in the preceding section: *Provided*, That at the time of declaration said citizen shall take oath in such form and under such further regulations as may be prescribed by the President of the United States to support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same. Said citizen shall not be required to pay any costs or charges for the making, filing, or issuance of any original documents, affidavits, or certificates relating to such citizenship, any law of the United States or of Porto Rico to the contrary notwithstanding. But the legislature of Porto Rico may make provision for the compensation of secretaries and other officials for services performed in connection therewith.

Mr. OLMSTED. Mr. Chairman, in behalf of the committee I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 5, strike out all of section 6 and insert in lieu thereof the following:

"SEC. 6. That all citizens of Porto Rico, as defined by the preceding section, are hereby declared and shall be deemed and held to be citizens of the United States."

Mr. OLMSTED. The emblem upon the coat of arms of Porto Rico is a sheep. As far as citizenship is concerned, the Porto Rican people are much in the condition of that lamb which, having been forwarded by express to a distant point, became ultimately the subject of a dialogue between two of the express company's employees, one of whom said to the other, "Where does that lamb go?" and received the reply, "I don't know, and he don't know; he has lost his tag and nobody knows." [Laughter.] The Porto Ricans were citizens of Spain. When the island was ceded to the United States it was provided in the treaty of Paris that the civil and political status of the inhabitants should be left to the future determination of Congress. Congress has never hitherto determined. Having lost their tag of Spanish citizenship, and not having gained American citizenship, they are in a sorry plight. They are naturally most desirous of securing American citizenship, and it is justly and fairly due them.

Sections 6, 7, and 8 of this bill, as they now stand, provide that all Porto Ricans may acquire such citizenship by appearing in any court, taking an oath to support the Constitution and laws of the United States, and obtaining a certificate, without money and without price. It was thought by the committee that citizenship obtained in that way, suggested originally, I believe, by the gentleman from Ohio, would be entirely satisfactory and gladly welcomed, and we thought it, for some reasons, the better way.

But it seems that, while they welcome and greatly desire citizenship, the Porto Ricans are much distressed at the thought of having to secure it in that way. They are a proud, sentimental, and sensitive people. They feel that, having lived under our starry banner in peace and harmony for twelve years, they are humiliated by the suggestion that they take an oath of allegiance. They do not like the idea of citizenship by certificate. They do not like to come in through a door so narrow that they can enter only one at a time. They point to the fact that the citizens of Hawaii and of Alaska were by act of Congress declared citizens of the United States. They feel that they are entitled to equally generous treatment. They point to the fact that the Democratic and Republican national platforms both make substantially the same promise, the latter specifically declaring "that the native inhabitants of Porto Rico should be at once made, collectively, citizens of the United States." The gentleman who was the candidate of the Democratic party at the last national election appeared before the Committee on Insular Affairs and urged that citizenship be conferred in this manner. Governor Colton, during his visit to Washington, did not appear publicly before the committee, but to myself and such other members as he met he expressed the great gratification which the people of the island would feel if they might be made citizens of the United States by act of the great Congress of the United States without action on their part, and his desire that their wish might be granted. President Taft, who had first favored the method as originally provided in the bill, has expressed concurrence.

In view of all these matters, desiring to please the people of Porto Rico, and to err, if at all, in liberality toward them, the Committee on Insular Affairs at a subsequent meeting authorized and directed me to present the amendment which I have just offered, and which I trust may be adopted without opposition, so that we may, with the most liberal hand and in the most generous way possible, confer upon the people of Porto Rico a citizenship which no man on earth is too humble or ignorant to appreciate and no nation too powerful or too great to respect, a citizenship vastly more important than the Spanish citizenship which they have surrendered, and more desirable than any other government could possibly confer. [Applause.]

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

Mr. OLMSTED. Certainly.

Mr. GOULDEN. When does this provision take effect?

Mr. OLMSTED. At once.

Mr. JONES. Mr. Chairman, I rise for the purpose of congratulating the chairman of the Committee on Insular Affairs and the Republican majority of that committee, as well as congratulating the House and the people of Porto Rico, upon the fact that the committee has at last concluded that the people of Porto Rico are entitled to full and immediate American citizenship. I think I ought to say further, Mr. Chairman, that when this bill was sent here as an administration measure it did not provide for immediate, full, and collective citizenship for the people of Porto Rico. It does not now so provide, although the Democratic membership of the committee earnestly favored conferring such full and immediate citizenship when the measure was under consideration.

This was a matter of much surprise to the minority of the committee, in view of the fact that the platform of the last national convention of the Republican party, in the most specific, positive, and direct terms, promised full American citizenship to the people of Porto Rico. I therefore congratulate the committee and the House that we are now to have an opportunity to vote for an amendment which will not only carry into effect the pledges of the two great political parties of this country upon the subject of Porto Rican citizenship, but which will be an act of long-delayed justice to the people of Porto Rico.

Mr. Chairman, I desire to assure the House that there will be no votes on this side of the Chamber against this amendment. We have always felt that we were bound by the declarations of our party platform, and we have not, as I have said, been able to understand how our Republican colleagues could propose such a flagrant repudiation of their party platform as is contained in the citizenship provisions of this bill. We have always stood for full and complete citizenship for the Porto Rican people. I may add, Mr. Chairman, that this amendment will not only give the people of Porto Rico what has been promised them by both political parties, but it will result in saving a considerable amount of money, since the tedious, slow, and vexatious process of naturalization provided for in this bill is not only useless but very costly.

Mr. MANN. Will the gentleman yield?

Mr. JONES. Yes.

Mr. MANN. Can the gentleman inform us whether or not the gentleman from Alabama [Mr. BURNETT] has agreed to this amendment naturalizing a large number of people at once?

Mr. JONES. Mr. Chairman, the gentleman from Alabama [Mr. BURNETT] is not a member of the Committee on Insular Affairs.

Mr. MANN. But he is a member of the House, and on that side.

Mr. JONES. I have never heard of any expression of opinion on his part in regard to this matter. I was not aware that he had taken any interest in this question.

Mr. MANN. He is a very prominent, active, and brilliant member of the Committee on Immigration and Naturalization, and I think has quite often expressed the view that people ought not to be naturalized very liberally. I have been on the other side of that question, and I would like to know whether or not these gentlemen who oppose naturalizing persons who come over here and have a real citizenship of the United States in the United States are anxious to naturalize people of Porto Rico in Porto Rico, not in the United States.

Mr. JONES. Mr. Chairman, I am not prepared to say what the position of the gentleman from Alabama may be on this question, but I am prepared to say that this is a very different proposition from that presented by the gentleman from Illinois.

Mr. MANN. I agree with the gentleman.

Mr. JONES. This is a proposition to confer citizenship upon a million of people who to-day, in the opinion of the minority and in the opinion of some of the ablest lawyers in the United States, are already citizens of the United States, but who, however that may be, are certainly entitled to become citizens, since Porto Rico is a part of the United States and will always remain such.

Mr. DOUGLAS. Mr. Chairman, I desire to speak against the amendment; and as I was not able to be here on the last

day of general debate, and as this is a matter to which I have given some attention, I ask unanimous consent that I may be permitted to continue for ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOUGLAS. Mr. Chairman, it is with the very greatest reluctance that I rise to oppose any provision of this bill, either as it was reported or any amendments introduced by the chairman of the Committee on Insular Affairs. I have taken a very profound interest in the history and progress and in the well-being of the island of Porto Rico and of its people; and I believe that this bill, in spite of the strictures of gentlemen upon the other side, is a great bill, a statesmanlike measure, and one that ought to answer all of the present aspirations of the Porto Rican people. That it will not, I am convinced. That it will be criticised, that there will be agitation for further advance along the line of independence under the leadership of men who, I sincerely believe, have not altogether unselfish reasons for that sort of propaganda, I also believe.

But the two important measures in this bill, the two measures which mark a distinct advance, are the one now under consideration relating to citizenship and the one which relates to the organization of the upper house. I would like to be permitted—for fear that anyone should think for a moment that I am a reactionary upon the whole question of Porto Rican self-government and progress—to read just a word from a speech which I made in January, 1909, upon one of these subjects, a speech with reference generally to affairs in Porto Rico, and I only do it for a single purpose, and that is to show that my own attitude toward one of those great questions has been fully as liberal as that of anybody on either side of the House, and perhaps more so. In relation to the elective senate in Porto Rico, I said at that time:

> I believe the time has come to increase the executive council to 13 and to permit a majority of it to be elected by the people of Porto Rico. This would leave the veto to the governor, the heads of departments for the present in the hands of Americans, but would give the control of both houses to the Porto Rican people.

Now, I want to say this in regard to the proposed amendment to the section relating to citizenship: I would rather have it than no advance along the line of citizenship to the Porto Ricans, but I do sincerely believe that the provisions of the bill as reported should be enacted and this amendment rejected. The chairman of the committee has kindly said in his report upon this bill, and has repeated this morning to the House, that the provisions of this bill are substantially the provisions of one of the first bills I ever introduced when I came to Congress, and which bill was pending at the time this bill was introduced before the Committee on Insular Affairs. The provisions in that bill provided, as these sections of the present bill provide in substance, that any citizen of Porto Rico might have the right to become a citizen of the United States upon his own initiative; in other words, that any citizen of Porto Rico might apply to his district court of his little district, of which there are, I believe, some thirty, in round numbers, in the small island of Porto Rico, and simply by taking an oath of allegiance to the laws and Constitution of the United States he might become a citizen of the United States.

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

Mr. DOUGLAS. I will.

Mr. PAGE. In the same speech from which the gentleman quotes, made some time ago upon this floor, did not the gentleman now speaking advocate also collective citizenship?

Mr. DOUGLAS. I did not. If the gentleman will consult the RECORD he will find that I introduced into that speech a copy of my bill for citizenship to which I have just referred, and advocated the adoption of that sort of a measure and appealed to the House to accept it rather than for one for collective citizenship; that is, for "collective citizenship" in the way it has been insisted upon that the term should be defined. I, however, submit that the Republican platform, in speaking of "collective" citizenship, did not necessarily mean the provision contained in this amendment, but that a law permitting all of the citizens of Porto Rico, or any citizen of Porto Rico, without qualifications, to become a citizen of the United States upon his own initiative, authorizes just as substantially "collective" citizenship as the amendment now proposed to this bill.

I want now to say a few words as to why I have strongly and earnestly felt that the granting of citizenship as proposed by this amendment en masse to the people of Porto Rico was, as compared with the other plan, a mistake. I sincerely believe that one of the serious troubles in Porto Rico is the fact that not one out of a hundred of the so-called citizens of Porto Rico take an intelligent interest in the political affairs of that island. Parties in that island are not differentiated by principles, but they consist simply of leaders and their followers; of certain politicians and those who, for personal reasons, follow them. I want to call the attention of the House to the language that I quoted two years ago in regard to this situation in Porto Rico. The language is embodied in a book on Porto Rico by Hon. E. S. Wilson, for many years one of the ablest editors in the State of Ohio, a man who for six years was marshal of the United States in Porto Rico, a man of very wide information and of the most intense sympathy with all the aspirations of the Porto Rican people. In that book he uses this language——

Mr. LARRINAGA. Will the gentleman yield?

Mr. DOUGLAS. I will not yield now. I will after a while. In that book he uses this language:

> There is probably nothing in the prospect of Porto Rico so dark, so full of peril, as the prominence of the eloquent politician. He is apt to prove a most malignant curse among a people so easily affected by florid vociferation and cantankerous rhetoric.

I believe that to be substantially true, that one of the curses of Porto Rico is the fact that she is led by men, patriotic it may be, self-seeking it may be—I do not attempt to characterize them—but men who constitute the real parties in Porto Rico, men whose word constitutes a party platform and whose leadership constitutes the only principle which parties follow. Now, I submit that in a country under such influence as that it is far better for the country generally that the people have the right, each for himself—those who are patriotic, if you please—to become citizens of the United States rather than that we should by one act, en bloc, force citizenship upon everybody in Porto Rico, whether they want it and whether they deserve it or whether they do not. I believe it would be better for the Porto Ricans, and far better for us, and far better for the friendly feeling that we desire to cultivate between the people of Porto Rico and this country, to have an enactment to the effect that each citizen of Porto Rico may upon his own motion become a citizen of the United States, rather than that all must become citizens of the United States at one time.

The bill that I introduced contained a provision which is carried in this law, in section 62, as follows:

> That from and after two years from the date of the approval of this act no person shall be eligible for election or appointment to any office in Porto Rico under the Government of the United States or the government of Porto Rico who is not a citizen of the United States.

The object of that provision was this, that any man who held office in Porto Rico should be willing of his own accord personally and voluntarily to go before his district court and without money and without price become a citizen of the United States. I submit that that was a qualification, it was a requirement, which no loyal citizen of Porto Rico could or should object to. It provided that any man who was in fact loyal to the United States, that any man who was willing to support the Constitution and laws of the United States, that any man who felt kindly to the sovereignty of the United States over that island, could go without trouble before his district judge and, simply by declaring his desire to do so and by taking an oath of allegiance, become a citizen of the United States.

Mr. JONES. Will the gentleman permit a question?

Mr. DOUGLAS. I will.

Mr. JONES. What does the gentleman have to say in regard to the promise of collective citizenship in the Republican platform?

Mr. DOUGLAS. I have already spoken of that, and fear that the gentleman did not hear me. There is no such "promise." There has never been any "promise" by anybody of citizenship to the Porto Ricans anywhere or under any circumstances.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOUGLAS. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. Will the gentleman yield?

Mr. DOUGLAS. I will.

Mr. BORLAND. If collective citizenship is not given to the people of Porto Rico, but your suggestion is followed—that they have the right to go and become citizens by an action of the court, on their own initiative—what would be the status of those who did not take advantage of that permission?

Mr. DOUGLAS. They would have exactly the status that they have right now.

Mr. BORLAND. Would they be citizens of the United States?

Mr. DOUGLAS. I am quite ready to answer the gentleman's question. They would have exactly the status they have now. If, as the gentleman from Virginia [Mr. JONES] says, they are now citizens of the United States by virtue of a certain statute that is quoted in the report here, then they would be citizens

of the United States. I do not believe it. The Supreme Court has never said it.

Mr. BORLAND. You do not admit——

Mr. DOUGLAS. Let me answer what I have been asked before you go on. They would continue to be citizens of Porto Rico. They would have exactly the status they have now, the same opportunity to prosper with the rest of the inhabitants of the island, to make money as the people in Porto Rico are making it, and to enjoy all the beneficent features of our Government in the island of Porto Rico. The only thing——

Mr. BORLAND rose.

Mr. DOUGLAS. I beg the gentleman's pardon. They would not have the right to hold office in Porto Rico; and I submit that no one in the United States can hold an office unless he becomes a citizen of the United States, and no one not a citizen in Porto Rico ought to hold office there.

Mr. BORLAND. Now, in order that I may understand the gentleman, does the gentleman contend that it would be desirable in effect to give us two classes of people in Porto Rico—one citizens and others holding the imaginary position of citizens of Porto Rico?

Mr. DOUGLAS. The gentleman is asking a question which needs no answer. I think it is desirable for every citizen of Porto Rico loyal to the United States to become a citizen of the United States and thus qualify himself to hold office in Porto Rico.

I do not think it is right, nor just, nor proper, nor expedient that a man in Porto Rico who is not willing to take an oath of allegiance to the laws and Constitution of the United States be made a citizen, much less that he hold office in Porto Rico.

Mr. MARTIN of Colorado rose.

Mr. DOUGLAS. I must decline to yield, as I have not the time.

Mr. Chairman and gentlemen of the committee, only one more word in connection with this matter. I believe this amendment to be of the utmost importance to this bill. It renders section 62 nugatory. It offers a new starting point for agitation to popular agitators, a class of men, leaders to a certain extent of the populace, and men who are in effect hostile to the Government of the United States—men who preach what they call "independence" for Porto Rico, as chimerical a thing as "independence" for Florida, something that never can and never will be granted; that is, an independence in the sense that the other islands of the Caribbean Archipelago are independent; in other words, that we part with all sovereignty and all control over Porto Rico, and that we will never do. Consequently I submit that if we require these agitators either to go before their district judge and take an oath of allegiance to the United States or go out of office in Porto Rico it will be a good thing for Porto Rico, a good thing for the United States, and a good thing for their relations to us and their attitude toward our control of the island.

So, Mr. Chairman, I earnestly hope—without perhaps entertaining a very sanguine hope, in view of the attitude of the chairman of the committee himself—but I earnestly hope that the amendment will be defeated, and the provisions of this bill, wise, just, liberal, and statesmanlike, as I believe them to be in reference to this subject of citizenship, will be enacted into law, so that every citizen of Porto Rico may, of his own initiative, freely become a citizen of the United States.

Mr. PAGE. I move to strike out the last two words. I do not care, Mr. Chairman, to discuss the merits of the amendment that has been offered by the chairman of the committee as a committee amendment, feeling absolutely sure that not a single member of the Committee on Insular Affairs, of even the majority of that committee, except the gentleman who has just addressed the House, will oppose the amendment. But I do rise particularly for the purpose of contradicting, or rather putting into the RECORD the real facts that the gentleman from Ohio [Mr. DOUGLAS] has just disputed, as to the action of the Republican national convention by its platform about citizenship in Porto Rico. He made a statement in answer to a question of the gentleman from Virginia [Mr. JONES], that no such promise had been made anywhere by anybody. I do not believe that there is another Member of this House who will put a like construction upon the language used in the platform of the Republican party in its last national convention.

Mr. DOUGLAS. Will the gentleman now yield to me?

Mr. PAGE. Yes.

Mr. DOUGLAS. I said it was no promise, neither is it a promise. It is simply a declaration of the framers of that platform in convention as to what they thought the policy of the Republican party must be. If the gentleman thinks that a promise, he can so construe it; but I do not so construe it.

Mr. PAGE. Was there any promise in the platform on any subject?

Mr. DOUGLAS. There was no promise; simply a declaration. [Laughter on the Democratic side.] I submit to the gentleman there was no promise in the platform of either the Democratic party or the Republican party. It was simply a declaration of their Members as to what legislation they thought ought to be enacted.

Mr. PAGE. Well, as I understand the gentleman from Ohio, Mr. Chairman, he takes the position that a platform is merely a declaration of language, and does not carry any promise to perform which can not be violated with impunity.

Mr. HUGHES of New Jersey. I suggest to the gentleman that his idea of a platform is that it is made to get into office.

Mr. PAGE. That is the only construction to put upon the language of the gentleman from Ohio. But I want to read what that platform does say. It says that—

> In Porto Rico the Government of the United States has met with loyal and patriotic support. Order and prosperity prevail, and the well-being of the people in every respect promoted and conserved. We believe that the native inhabitants of Porto Rico should be at once made collectively citizens of the United States, and that all others properly qualified under existing law residing in said islands should have the privilege of becoming naturalized—

Using the word "naturalized," and making a distinction between the natives of Porto Rico and other people living there, as definite and distinct a promise as could be made to a people by a political party or by an individual; and I should like to ask the gentleman from Ohio [Mr. DOUGLAS] what the President means by continually calling upon this Congress to carry out the platform pledges.

Not only this, but in every message that has been sent to this House from the Executive there has been a demand on that side of the House to carry out the pledges of the platform.

Mr. DOUGLAS. I have already given my definition of it this morning and the gentleman can read it in the RECORD tomorrow.

Mr. PAGE. I am sure no other gentleman will place that same definition on the language.

Mr. GARRETT. I move to strike out the last two words.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments thereto conclude in five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that debate upon the pending amendment and any amendment thereto be concluded in five minutes. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Chairman, certain observations made by the gentleman from Ohio [Mr. DOUGLAS] induce me to venture this suggestion to the House, as to the importance of the passage of this committee amendment not only to the people of Porto Rico but to the people of the United States:

The gentleman from Ohio says, and we all agree with him in that, although perhaps there are few other political propositions on which we do agree with him, that Porto Rico will always be a part of the United States. The gentleman says that there are certain men there who are insubordinate, who are adverse, who are hostile to the Government of the United States. If that be true, I submit that the passage of this amendment becomes important to us. Suppose the United States should become engaged in war with some foreign power. Porto Ricans have received no recognition as citizens of the United States so far as congressional action is concerned. So far as legislative action is concerned they are known only as citizens of Porto Rico. Suppose the United States should become involved in war with some foreign country, and an element in Porto Rico should side with that foreign country, what would be their position under the law? Would they be guilty of treason? No; not if the contention of the gentleman from Ohio is correct, that they are not citizens. So not only to benefit that people, but to protect the integrity of our own Government—because Porto Rico is a part of the Government—against treason this amendment should be adopted. [Applause.]

Mr. OLMSTED. Mr. Chairman, when I asked unanimous consent to close debate on this amendment I overlooked the fact that the gentleman from Porto Rico [Mr. LARRINAGA] desires to be heard. I ask unanimous consent that he may have five minutes.

There was no objection.

Mr. LARRINAGA. Mr. Chairman, I have very few words to add to what has been said here by the chairman of the Committee on Insular Affairs and by the ranking member of the minority, the gentleman from Virginia [Mr. JONES]. It is unnecessary for me to add to what I have repeatedly said on the

floor of this House about Porto Rican citizenship; but I do want to say that some of the facts that have been presented here have not been presented fairly. Writers have been quoted against this section of the bill who have repeatedly declared themselves in favor of American citizenship. Captain Wilson, of the Ohio State Journal, who has been cited on the floor of the House, is in favor of it, and more than that, he is in favor of self-government for Porto Rico; and I should have been glad to have every word from that gentleman's book quoted here, which would have been the fair thing to do.

I wish to thank the chairman of the committee for the kind words in which he has presented this very desirable amendment, and I hope that at a later date the committee will present other amendments that would be equally welcome to the people of Porto Rico.

As for the remarks by the gentleman from Tennessee, I believe they are very true and appropriate. Suppose, as it has been in past centuries, when we had no grudge against Spain, that the English or the French or the Dutch came there, it would be dependent upon the Porto Ricans to defend that country against the foreign invasion.

Now, as to the disparaging remarks that have been made about the Porto Ricans by some gentlemen on the floor, I will pass over them without further comment.

Mr. Chairman, as a Porto Rican, I have always been in favor of this section of the bill—American citizenship—because it is nothing but fair that men who are every day obliged to take the oath to support the Constitution should be made American citizens. They have been doing it for ten years, and it seems absurd that anybody should be obliged to take an oath to support something that they do not possess. I want to thank the committee and the chairman of it for the presentation of the amendment, and I hope the House will pass it. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

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

Mr. OLMSTED. Mr. Chairman, as sections 7 and 8 merely provide details for carrying into effect section 6 before it was stricken out, I ask unanimous consent that those two sections may be stricken from the bill without their being read.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to strike sections 7 and 8 from the bill. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 10. That the coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States.

Mr. HELM. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee what is the meaning of this section—in other words, what are the provisions of the law applicable to the coastwise trade or the trade between coast districts of the United States?

Mr. OLMSTED. I will state to the gentleman from Kentucky that that is existing law. It is brought forward into this bill for the purpose of having all the provisions of the law in one act. It makes no change in the existing law.

Mr. HELM. But what I am trying to get at is some real information as to the coast laws between any districts of the United States.

Mr. JONES. If the gentleman from Pennsylvania will permit me, I will state, in reply to the gentleman, my understanding of this: Only vessels built and owned in the United States can engage in this trade; no foreign vessel will be permitted to engage in the carrying trade between Porto Rico and the United States any more than it would be allowed to do so between the port of Norfolk, in my State, and Boston, Mass., for instance. The coastwise laws of the United States confine the coastwise trade to American-owned and American-built bottoms.

The Clerk read as follows:

SEC. 12. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in the treaty of peace entered into on the 10th day of December, 1898, in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, is hereby placed under the control of the government of Porto Rico to be administered for the benefit of the people of Porto Rico; and the legislature of Porto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable. There is hereby conferred upon the people of Porto Rico jurisdiction over harbor areas and navigable waters for the enforcement of the laws of Porto Rico.

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

The Clerk read as follows:

Page 9, line 6, after the word "the," where it appears the second time, insert the word "police."

Mr. OLMSTED. Mr. Chairman, with the exception of lines 4, 5, and 6, page 9, the provisions of this section are existing law. Those lines are new and inserted for the purpose of giving the insular authorities police control over the harbor area. As the law now stands, any ill-disposed person might commit any kind of offense just off the dock, and there would be no control over it. The word "police" should be inserted, and that is the object of this amendment.

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

Mr. JONES. Mr. Chairman, I desire to offer the following amendment:

The Clerk read as follows:

On page 8, lines 23 and 24, strike out the words "but not including harbor areas or navigable waters."

Mr. JONES. Mr. Chairman, my reason for offering this amendment is that whilst this section provides, as has been seen, for the conveyance to the people of Porto Rico of all the harbor shores, docks, slips, and reclaimed lands in Porto Rico, it excludes harbor areas or navigable waters. It seems to me, Mr. Chairman, that this exception ought not to be made.

I see no reason why it should be made. I know of no weighty reason why we should not give to the Porto Ricans jurisdiction over their harbor areas and their navigable waters, and there is one strong reason, in my judgment, why it should be given. The House will understand that it will frequently be necessary for the business people of San Juan, for instance, to secure permission to build docks and wharves. Whilst these docks and wharves will abut on the harbor shores, over which the Porto Rican government is given jurisdiction, they will extend out into waters over which the Government of the United States is to retain jurisdiction and control. This will render difficult the securing of these necessary concessions, and thus, I apprehend, retard the improvement and development of the harbors of Porto Rico. Those desiring these concessions will not only have to apply to the government of Porto Rico, but they will have to apply for them also to the Government here at Washington.

Mr. DOUGLAS. Does not the gentleman think that, in view of the fact that the United States Government has already permitted itself to expend three-quarters of a million of dollars for the improvement, for example, of the harbor of San Juan, it would be a mistake to take from the General Government any part of its control over that harbor and over its navigable waters? I submit that there is no occasion for doing it. The gentleman, I think, has presented the matter adequately, and it seems to me such a provision as that ought to remain in the bill.

Mr. JONES. Mr. Chairman, I simply wish to say, in reply to what has been said by the gentleman, that it seems to me that the reasons in favor of ceding these harbor areas to Porto Rico are stronger than any that can be advanced in favor of their retention by the United States. I submit the amendment to the consideration of the House.

Mr. OLMSTED. Mr. Chairman, it seems to me that the amendment, which is one that has never been considered by the Committee on Insular Affairs, ought not to pass. The language proposed to be stricken out by the amendment is the existing law. It was put in the Foraker Act in 1900, after full consideration in both House and Senate, and it seems to me that it is a wise and proper provision. No complaint has ever been made concerning it. The United States has expended all the money in the improvement of these harbors, and if I correctly understand the laws and regulations upon the subject, the bill as it now is leaves the harbor areas of Porto Rico in precisely the same form as the harbor areas of New York, Pennsylvania, and other States, whereas the amendment would take away from the National Government all control over the navigable waters and harbors of Porto Rico.

Mr. JONES. Will the gentleman yield?

Mr. OLMSTED. Yes.

Mr. JONES. The gentleman says that one reason for retaining this language is that it is in the present organic law. Of course, the gentleman knows that this bill is intended to be a substitute for that law, and changes it in a great many other respects.

Mr. OLMSTED. That is true.

Mr. JONES. The gentleman also stated that this language was put into the present law after very full consideration and discussion. I desire to call the gentleman's attention to a fact, of which he is probably not aware, that that Foraker law originated in the Senate, and that when it came to this House the bill was considered under a special rule, which limited all

debate to three and one-half hours, and practically cut off all opportunity of amendment. The present law, therefore, was never either fully or carefully considered in this House.

Mr. PAYNE. Will the gentleman yield?

Mr. JONES. I will.

Mr. PAYNE. The Foraker Act was attached to the revenue bill.

Mr. JONES. Yes.

Mr. PAYNE. But before that revenue bill went from here the Committee on Insular Affairs had considered the same bill that was called the Foraker Act, which was drawn by the then Secretary of War, Mr. ROOT, and the part of that act that was the Foraker Act had been considered by the Committee on Insular Affairs in the House, and my recollection is that the Committee on Insular Affairs had reported the bill and agreed to it.

Mr. JONES. I admit that the Committee on Insular Affairs had considered a bill for the civil government of Porto Rico.

Mr. PAYNE. It was the same original bill that the Senate had considered.

Mr. JONES. And that the gentleman [Mr. PAYNE] as the chairman of the Committee on Ways and Means reported a revenue bill here.

Mr. PAYNE. Yes.

Mr. JONES. That revenue bill, after being passed in this House, went to the Senate, and the Foraker bill, which was in many respects a very different measure from that considered by the Committee on Insular Affairs, and which covered a great many pages, was tacked on to that revenue bill, and when it came back to this House was discussed under a most drastic special rule, and, as I have said, without opportunity of amendment. The Foraker law, although a long and most important measure, was never fully discussed in this body. It was only discussed for three and one-half hours.

Mr. PAYNE. Mr. Chairman, my recollection is, I want to say to the gentleman——

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

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I was a member then of both the Committee on Ways and Means and the Committee on Insular Affairs, and the gentleman from Virginia was a member of the Committee on Insular Affairs.

We had considered the government bill in the Committee on Insular Affairs before the revenue bill was reported, and my recollection is that the government bill had been reported to the House by the chairman of that committee, Mr. COOPER, of Wisconsin, before the Foraker Act was attached to the revenue bill in the other House, and we had fully considered the subject of a civil government for Porto Rico, but jurisdiction being divided, the Committee on Ways and Means took up the question of the revenues under the rules, and the Committee on Insular Affairs had the other. Now, my understanding was that the same identical bill was introduced in the Senate and in the House, drawn by the then Secretary of War, Mr. ROOT.

Mr. JONES. The history of that measure, I concede, is as stated by the gentleman; he is mistaken, however, in thinking it was the identical bill which was considered by the Insular Affairs Committee, of which he and I were members at that time. In this respect my recollection does not agree with his.

Mr. PAYNE. That is my recollection, and that it was considered in the Committee on Insular Affairs as well as in the Senate.

Mr. OLMSTED. Mr. Chairman, I would like to say just a word on the amendment, the effect of which would be to deprive the United States entirely of jurisdiction over the harbor areas and navigable waters along the coast of Porto Rico; it would deprive it of the power which it exercises here in the United States over harbor waters. The gentleman from New York [Mr. BENNET] calls my attention to the fact that at this moment the National Government is endeavoring to prevent the city or the State of New York from casting refuse matter into the harbor of New York, which tends to fill it up.

Mr. CRUMPACKER. Mr. Chairman, I desire to suggest to the gentleman from Pennsylvania, too, that the amendment which he proposed and which was adopted a few moments ago confers upon the government of Porto Rico police jurisdiction over navigable waters of any harbor areas in the island, and that is all, I think, they ought to have, and I think it is all that they require.

Mr. OLMSTED. If we pass this amendment, the United States will not have authority over the improvement of that harbor, which it now keeps in order at its own expense. I do not think the amendment ought to prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was rejected.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to amend by striking out of line 19, page 8, the words "mines or minerals under the surface of private lands."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 19, strike out the words "mines or minerals under the surface of private lands."

Mr. WILSON of Pennsylvania. Mr. Chairman, I would like to ask of the chairman of the committee what mines or minerals were conceded by the treaty with Spain to the United States Government, and to what extent the mines and minerals have been located in Porto Rico and a knowledge of them gained.

Mr. OLMSTED. Mr. Chairman, I am not able to answer the question of my colleague from Pennsylvania, but I will state this in explanation of this provision in the law, that it is also found in the Foraker Act. The United States by the treaty of Paris received from Spain certain property and property rights in the island of Porto Rico, and among others certain mineral rights under lands occupied by private persons. This conveys, or rather reconveys, to the government of Porto Rico those rights. That is the only effect of this provision.

Mr. WILSON of Pennsylvania. Do I understand from the gentleman this was included in the Foraker Act, that we had already practically conceded it to the government of Porto Rico?

Mr. OLMSTED. That is true; ten years ago.

Mr. WILSON of Pennsylvania. Then, Mr. Chairman, under those circumstances I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Pennsylvania will be withdrawn. [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Chairman, just a moment for a suggestion. The Spanish Government in disposing of public lands reserved always to the Crown the underlying minerals, and whether there are any minerals underlying the land in Porto Rico is not so much the question, but if there should be any, the title having been in the Crown of Spain, of course they came to the United States by the treaty of Paris, and the United States by the Foraker Act transferred that right, whatever it may be, to the people of Porto Rico. That is the way it happened to be in the bill.

The Clerk read as follows:

SEC. 13. That the President is hereby authorized in his discretion to convey to the people of Porto Rico such lands and buildings or interests therein reserved for public uses, under the authority conferred by the act approved July 1, 1902 (32 Stat. L., 731), as in his opinion are no longer needed for purposes of the United States.

Mr. OLMSTED. Mr. Chairman, the House and Senate recently passed a separate bill accomplishing the purpose of that section. I therefore move that the section be stricken out.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania to strike out section 13. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 16. That all reports required by law to be made by the governor or heads of departments to any official in the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President; and the President is authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department.

Mr. JONES. Mr. Chairman, I desire to offer an amendment to section 16. I move, in line 5, page 10, to strike out the words "an executive department of the Government of the United States to be designated by the President," and to insert in line 5, after the word "two," the words "the Interior Department."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 5, strike out the words "an executive department of the Government of the United States to be designated by the President," and insert "the Interior Department."

Mr. JONES. Mr. Chairman, this section provides that all reports required to be made by law by the governor or heads of departments to any official in the United States shall be made to an executive department of the Government of the United States to be designated by the President. I desire to so amend this section that the reports which are to be made by the governor of Porto Rico and heads of departments in the island shall be made to the Interior Department of the United States. The organic acts of the organized Territories of the United States all require, as I understand, that these reports shall be made to the Interior Department. During the first session of this Congress an act was passed conferring

upon the President of the United States the power to designate a department of the government to which Porto Rican reports should be made, and in pursuance of that act the President designated the War Department, and expressly provided in his order that the Insular Affairs Bureau of the War Department should have immediate control of Porto Rican affairs.

Now, Mr. Chairman, the minority members of the Insular Affairs Committee can see no good reason why these reports should be made to the military rather than to a civil branch of the United States Government. Aside from this there are a number of sections further on in this bill which confer upon this nameless department most extraordinary powers. We object to conferring such powers upon any department of our Federal Government, but if they are to be conferred, then we think they should be given to a civil and not to a military department.

We do not think that the head of any federal department, whether it be a military department or a civil department, should be permitted to exercise the vast powers conferred by this bill. Therefore, whether or not my amendment is adopted, I shall at the proper time offer others designed to restrict the powers conferred in subsequent sections of this bill upon the head of a federal department.

I shall not at this time enter upon a discussion of the powers to which I object that are conferred by this bill upon this head of department. One of my criticisms is that this head of department is permitted to name an executive secretary for Porto Rico, who is to take the place of the secretary who is now the head of one of the departments and who is appointed by the President. We do not think that the head of this department, who practically will be the Chief of the Insular Affairs Bureau, ought to be given the power to designate so important an official as the executive secretary of Porto Rico, who is to perform the duties and take the place of the head of one of the great departments down there, and who is now appointed by the President of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. Mr. Chairman, I am compelled to oppose the amendment. Section 16 is existing law. It authorizes the President to designate the head of the executive department who shall receive the reports of the various departments in Porto Rico. As the law formerly stood the attorney-general of Porto Rico reported to the Attorney-General of the United States, the secretary of the interior in Porto Rico reported to the Secretary of the Interior here, and so the heads of departments there were reporting to three or four departments here, and we never knew where to find any particular report. This bill leaves it in the discretion of the President to designate an executive department to receive all these reports. Now, personally, I do not think the executive department receiving them ought to have—and to a large extent I agree with the gentleman from Virginia [Mr. JONES]—very much authority over the people of Porto Rico. It is not proposed that he shall have it in the important particular which the gentleman from Virginia has mentioned. This bill as originally drawn authorizes the Secretary of War to appoint the executive secretary of Porto Rico.

I will state to the gentleman from Virginia that I propose to offer an amendment providing that he shall be appointed by the President. When we get through with this there will be no powers which the gentleman can reasonably object to being exercised by the Secretary of War, Mr. Dickinson. If there should ever be any objection to the exercise of these functions by the Secretary of War, it will be in the power of the President to change to another department at any time.

Mr. NORRIS. I would like to ask the gentleman from Pennsylvania what objection there would be to designating a department in the act itself, or a bureau, to which these reports shall be made. If it should be some other than the Interior Department, why, put it in the law. That would make it more permanent than to let some executive officer designate from time to time where these reports might be made.

Mr. OLMSTED. It was thought better to leave it to the discretion of the President. Conditions change from time to time. Now, it so happens that in the War Department there is the so-called Bureau of Insular Affairs, equipped under the Philippine act and required to be maintained there. There is an organization of clerks and all that. To-day Colonel McIntire is the acting head, in the absence of General Edwards.

Mr. NORRIS. Do the Philippine officials report to that department?

Mr. OLMSTED. They do report to that department.

Mr. NORRIS. Is that by a designation of the law or by a designation of the President?

Mr. OLMSTED. It is a specific designation by the Philippine act creating that bureau. An act passed last year gave the President the discretion as to Porto Rico, and he designated the Secretary of War. That bureau is in the War Department. Now, at the present, while we have the expense of that bureau anyway, it is thought better and more economical that these reports go there. It avoids the expense of another bureau in some other department.

Mr. NORRIS. This bill does not provide that they shall go there.

Mr. OLMSTED. It leaves it with the President, who has designated the War Department.

Mr. PARSONS. Later on we may want the Bureau of Insular Affairs in another department, and the President can by an executive order change it to that department, except for the Philippine Islands.

Mr. JONES. Mr. Chairman, I desire to ask the gentleman a question or two in this connection. I was much pleased to hear him say that he is going to offer an amendment to curtail the powers of this official, when we reach the section, of the character he has indicated. But there are several other powers conferred upon this official which in my judgment are even more objectionable than this. I wish to ask the gentleman whether or not he will be willing to strike out, when he comes to it, the section which provides that this head of department shall designate banks in the United States in which the funds of the people of Porto Rico shall be deposited?

Mr. OLMSTED. Well, that is a matter that should be well considered when we reach it. I have given it some consideration. As the bill is now, he can not require them to be deposited wherever he wants to.

Mr. JONES. I think he can. I think the language is broad enough to permit him to take every dollar of the public funds of Porto Rico and deposit them in banks in the United States.

Mr. OLMSTED. That is not my understanding. If the language can fairly be interpreted to mean that, I would be willing to change it. My thought is that he shall simply designate certain banks which have given the requisite security in which the treasurer of Porto Rico, if he desires, may deposit. The Secretary of War can not require him to deposit in the United States at all.

Mr. JONES. I think the gentleman is mistaken in this. I wish to ask him another question along this same line. The bill also provides that no one of the heads of department in Porto Rico, all of whom are appointed by the President and confirmed by the Senate of the United States, shall leave the island without first securing the approval of the head of this executive department. I think this provision offers a humiliation and an insult to every American official in the island of Porto Rico.

Mr. OLMSTED. I think myself that the consent of the governor ought to be sufficient. I have no objection to an amendment of that character. I think there will be no particular objection to it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. Mr. Chairman, I ask that the time of the gentleman may be extended.

The CHAIRMAN. The Chair hears no objection.

Mr. JONES. I merely wish to make this further observation. I had expected that my amendment would be offered by a gentleman who is not present at this time, but who informed me that he was going to offer it, as the result of a conversation had with the Secretary of War, in which the Secretary had said to him he would be very glad to have the Interior Department specifically designated as the department to which all Porto Rican reports should be made.

Mr. OLMSTED. I have no doubt that the Secretary of War would. I have no doubt that the head of every other department would be glad to have another department than his own designated. I do not believe that any of them particularly hanker after this duty. I hope the amendment will not prevail, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. JONES. Division, Mr. Chairman.

The committee divided; and there were—ayes 39, noes 54.

Mr. JONES. Mr. Chairman, I ask for tellers on this amendment.

Tellers were ordered, and the Chairman appointed Mr. OLMSTED and Mr. JONES.

The committee again divided; and the tellers reported—ayes 64, noes 74.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 17. That the supreme executive power shall be vested in an executive officer, whose official title shall be "The governor of Porto Rico." He shall be appointed by the President, by and with the advice

and consent of the Senate, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The governor shall reside in Porto Rico during his official incumbency, and maintain his office at the seat of government. He shall have general supervision and control of all of the departments and bureaus of the government in Porto Rico so far as is not inconsistent with the provisions of this act, and shall be commander in chief of the militia. He may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter provided. He shall commission all officers that he may be authorized to appoint, and shall at all times faithfully execute the laws, and in that behalf shall have all the powers of governors of the Territories of the United States that are not locally inapplicable. He shall annually and at such other times as he may be required make such official report of the transactions of the government of Porto Rico to the head of the executive department designated by the President, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may in pursuance of law be delegated or assigned to him by the President.

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

The Clerk read as follows:

On page 10, line 14, strike out the words "at the pleasure of the President and," and insert in lieu thereof the words "for a period of four years unless sooner removed by the President."

Mr. PAGE. Mr. Chairman, this provision in section 17 of the bill makes a departure from the established customs, so far as my knowledge goes, in the term of executive officers who are appointees of the President, and makes the term of the governor of Porto Rico without limit.

In the amendment that I have offered I specify that it shall be for a period of four years, unless sooner terminated by the President; in other words, to make definite the term of the governor of Porto Rico. My reasons for doing this are twofold: In the first place, I do not think it is the part of wisdom to depart from an established custom as to the terms of appointive officers, and in the second place, by so doing, as this bill now provides, it places in the hands of the President the continuation in office of an executive officer interminably, without submitting it periodically to the advice and consent of the Senate of the United States. In other words, this provision violates, if not the letter, the spirit of that provision that has been made that all these appointees of the President of the United States shall be subject to the advice and consent of the Senate of the United States. The provision as it now stands gives the President the power to appoint at his pleasure, which means that he may appoint a man and he may serve for a lifetime as governor of the island of Porto Rico without the Senate having any review, except in the first instance. I believe that my amendment will be in the interest of good government, will be in the interest of the administration really; and with these observations, which seem perfectly clear to me, I submit the amendment for the consideration of the committee, believing that it ought to be adopted.

Mr. OLMSTED. Mr. Chairman, in reply I will read briefly from the statement of Secretary Dickinson before the Committee on Insular Affairs, as found on page 51 of the printed copy of the hearings. Secretary Dickinson says:

Under the original act he was appointed for four years. This makes him appointed by the President and confirmed by the Senate, and he holds office during the pleasure of the President and until his successor is chosen and qualified. I will state in brief the reason I have for suggesting that to the committee. If he is appointed for four years, it makes him probably a little more independent of the President, and his removal when he has a fixed term of office is a little more difficult to bring about; but there is another reason more important than that. If you have a man holding an office, and the end of the term is approaching, the men who have the ambition to succeed him begin long before the term of the office has expired to canvass for that office, and it breaks down his influence and authority and brings about a spirit largely of disorganization, if not insubordination, and I think he would be much more independent and much more effective in the way that is proposed here.

For the reasons thus stated by Secretary Dickinson I trust the amendment will not be agreed to.

Mr. PAGE. Do not the reasons advanced by the Secretary of War for this provision apply to every other appointive officer appointed by the President of the United States who has a fixed term?

Mr. OLMSTED. Not so much so.

Mr. PAGE. In what do they differ?

Mr. OLMSTED. The governor is the principal officer of the island. It is more important as to him than it is as to any of the others.

Mr. HELM. The same reasoning applied also to elective officers.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. PAGE].

The question was taken; and on a division (demanded by Mr. OLMSTED) there were—ayes 31, noes 48.

Mr. PAGE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. OLMSTED and Mr. PAGE.

The committee again divided; and the tellers reported—ayes 49, noes 56.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 18. That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney-general; a department of finance, the head of which shall be designated as the treasurer; a department of audits, the head of which shall be designated as the auditor; a department of interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; and a department of health, the head of which shall be designated as the commissioner of health. The legislature of Porto Rico may also create an additional department to be known as the department of agriculture, commerce, and labor, the head of which department, when created, shall be designated as the commissioner of agriculture, commerce, and labor. The heads of departments shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years unless sooner removed by the President. The commissioner of health may be an officer of the Army or Navy of the United States; but the official pay as such officer shall be deducted while so serving from the salary or compensation provided for by this act. Heads of departments shall reside in Porto Rico during their official incumbency, but leaves of absence may be granted to them by the governor upon the approval of the executive department designated by the President in accordance with this act. They shall perform the duties hereinafter prescribed and such other duties, not inconsistent with law, as the governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department designated by the President.

Mr. OLMSTED. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 12, line 8, after the word "be," strike out the word "an" and insert the words "a medical."

Line 9, same page, strike out the words "or navy."

Mr. OLMSTED. Mr. Chairman, this is simply to limit the appointment of army or navy officers to the appointment of Dr. Bailey K. Ashford, universally desired by the Porto Ricans.

Mr. FOSTER of Illinois. Mr. Chairman, if the gentleman will allow me, on page 11, line 22, you say—

the department, the head of which shall be designated commissioner of health.

I am very much in accord with the gentleman's amendment that he has offered, but I would like to ask him if he does not consider that there ought to be a commissioner of health who must be a man educated in medicine and the collateral sciences?

Mr. OLMSTED. I have no objection to such an amendment, but I think that as the President has the appointment, and it is to be confirmed by the Senate, there is no doubt that such a man would be appointed.

Mr. FOSTER of Illinois. Perhaps so, but it does not follow, and they could appoint anyone outside.

Mr. OLMSTED. I have no objection to such an amendment. I certainly think the appointee ought to be a man educated in medicine.

The amendment of Mr. OLMSTED was agreed to.

Mr. JONES. Mr. Chairman, I move to amend, on page 12, lines 14, 15, and 16, as follows:

Strike out, in line 14, commencing with the word "upon," the language "upon the approval of the executive department designated by the President in accordance with this act."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 14, beginning with the word "upon," strike out all down to and including the word "act," in line 16.

Mr. OLMSTED. Mr. Chairman, I think there is no objection to that amendment.

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

Mr. WILSON of Pennsylvania. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Strike out all after the word "health," in line 23, page 11, down to and including the word "labor," line 4, page 12, and insert in lieu thereof the following:

"A department of agriculture, commerce, and labor, the head of which shall be designated as the commissioner of agriculture, commerce, and labor."

Mr. WILSON of Pennsylvania. Mr. Chairman, this bill provides for the establishment of several departments, and then leaves it optional with the legislature of Porto Rico as to whether or not it will establish an agricultural department. The committee, in making its report, says:

The island is rich in agriculture, which is its principal industry. Most of the States have now departments of agriculture, and it is believed by like systematic and scientific efforts in Porto Rico the productiveness and profitableness of its lands may be greatly enhanced.

I believe that statement to be true. I am one of those who believe that our Federal Agricultural Department and the agricultural departments of the various States have done a great deal toward improving the productiveness of our soil.

Agriculture is the basic industry of mankind. Anything that improves agriculture, anything that makes two blades of grass grow where one grew before is a benefit to mankind in general, and in framing this organic law it seems to me that instead of leaving it optional with the people of Porto Rico as to whether or not they will establish an agricultural department, we ought to provide in this bill for the establishment of a department of agriculture that will assist them in the scientific handling of agricultural affairs, and for that reason I offer the amendment.

Mr. OLMSTED. Mr. Chairman, I quite agree with my colleague from Pennsylvania as to the importance of a department of agriculture in Porto Rico. In the bill as I originally introduced it the provision was as he desires to have it, creating that department. But, upon mature reflection, it was the judgment of the Committee on Insular Affairs that we ought not arbitrarily to enforce upon the people of that island an additional department, of which they would have to bear the expense. So we contented ourselves with providing in here all of the machinery for the department and leaving it to the Porto Ricans themselves to say whether or not it should be effective. In other words, we have provided all of the machinery. All they have to do is to push the button and set it in motion and to pay the expense. Had it not been for the expense we should have created it absolutely in this bill, but as it involves some considerable expense, which they would have to bear, we thought it wise to leave it to them.

Mr. DOUGLAS. Will the gentleman yield?

Mr. OLMSTED. Yes.

Mr. DOUGLAS. I believe the gentleman will also recall that it was the opinion of the committee, I think unanimous, that the Porto Rican legislature might prefer to create a bureau in some of their present departments rather than to create a separate department.

Mr. OLMSTED. That is true. I am glad to be reminded of that. We have provided in the bill that if they prefer, rather than have the expense of an entire department, the legislature may create a bureau in one of the other departments. From those considerations I am moved to oppose the adoption of the amendment.

Mr. LARRINAGA. Mr. Chairman, while I do not rise in direct opposition to the motion of the gentleman from Pennsylvania [Mr. WILSON], for I agree with him when he says that agriculture is the basis of all other industries and Porto Rico depends mainly on agriculture, yet I do not desire to speak against the provision in the bill, because it seems to me that that is a recognition of the right of the legislature of Porto Rico to pass on certain points in regard to the creation of the most important of all departments that you could create in Porto Rico. No matter how important the department of health may be, Mr. Chairman, no matter how important the other departments may be, like the department of the interior, which takes care of the roads and other things, the first condition in life is to live, and we live by agriculture. Before you cure a man or make him healthy—as you propose to do, I suppose, by that department of health—it is better that he should have something to live upon. We produce sugar, coffee, fruits, and other minor products. We sell all that we produce, and we have to buy all that we consume.

This is fundamental in Porto Rico, and the creation of the department of agriculture is the most important point in the bill. I do not want to have it put in other words, but I was surprised when I saw that that department was left to the people of Porto Rico. The creation of a department of agriculture in Porto Rico undoubtedly greatly affects our finances, and it will have to deal greatly with the labor question, about which the gentleman from Pennsylvania [Mr. WILSON] so ably spoke a few moments ago. I am in favor of the amendment offered by the gentleman from Pennsylvania, but I am not against the committee in the way in which it presents the provision of leaving it to the Porto Rican legislature, because, as I said before, that is a great recognition of the capacity of the legislature of Porto Rico to pass on such important matters. I believe, Mr. Chairman, that, important as is the department of health, yet if we do not raise in those mountains and fields enough products to make those who till the soil get a good salary, and therefore be well clothed and shod, that department of health, as I will have occasion to say further on, if I am allowed the time, will never be able to do much among the destitute classes of the mountain districts as long as they are kept so poor and unable to be well shod.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. LARRINAGA. Yes, sir.

Mr. WILSON of Pennsylvania. Does not the gentleman think that if the legislature of Porto Rico is competent to properly organize and conduct a department of agriculture it is also equally competent to organize and properly conduct any other department?

Mr. LARRINAGA. I am as much of the opinion of the gentleman from Pennsylvania as I am of that of the gentleman from Illinois [Mr. MANN], who on the floor of this House the other day said to the chairman of the committee: "If they (the Porto Ricans) can be trusted with the establishment of this department, why did you not leave it to them to create the others?"

Mr. HELM. Which does the gentleman consider the more important to the best interests of the island, a department of agriculture or a department of the interior?

Mr. LARRINAGA. I consider the department of agriculture more important. Our department of interior has mainly charge of roads, which is also very important.

The CHAIRMAN. The time of the gentleman has expired.

[By unanimous consent Mr. LARRINAGA was granted leave to extend his remarks in the RECORD.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. WILSON of Pennsylvania) there were—ayes 19, noes 39.

So the amendment was rejected.

Mr. FOSTER of Illinois. Mr. Chairman, I offer the following amendment. On page 11, line 23, after the word "health," insert the words "who shall be educated in medicine."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Line 23, page 11, after the word "health," insert the words "who shall be educated in medicine."

Mr. OLMSTED. Mr. Chairman, there is no objection to the amendment.

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

Mr. HELM. Mr. Chairman, I move to amend by striking out, on page 11, line 18, the following words: "A department of interior, the head of which shall be designated as the commissioner of the interior."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 18, strike out the words "a department of interior, the head of which shall be designated as the commissioner of the interior."

Mr. HELM. Mr. Chairman, it will appear from an examination of this section 18 that there are now six heads of departments provided for in the island of Porto Rico, and it is reasonable to conclude from the statement of the Commissioner [Mr. LARRINAGA] that there will be an additional department of agriculture established on that island. Now, what is the situation before you? You have a scope of country 100 miles long and 40 miles wide, a scope of country hardly as large as the average county in the States of the Union. You are providing for this little scope of country the most elaborate form of government; in fact you are providing almost as many heads of departments for this scope of country—that equals in area the average county, and I dare say not a third as large as the average county in the Western States—as we have in our Federal Government. You are placing upon this people a very onerous form of government. The heads of each of these departments receive $5,000 in compensation. The governor of the island receives $10,000 annually. So it is obvious to the committee that you are providing for a top-heavy form of government for this little island.

Now, what are the duties of the commissioner of the interior? What does he have to do for which he receives $5,000 annually? As the Commissioner has just stated in your hearing, his principal duty consists of looking after the roads of the island, but under section 22, page 15, of the bill the duties of the commissioner of the interior are described and are as follows:

That the commissioner of the interior shall superintend all works of a public nature, have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and perform such other duties as may be prescribed by law.

It occurs to me that the duties that devolve upon the commissioner of the interior could be easily consolidated with the duties of some of the other heads of departments, and especially so if there is to be a department of agriculture established by the legislature of Porto Rico. For these reasons it occurs to me that the expense of the department of the interior could be saved to the people of the island, for the salary of the commissioner, I take it, is but a minor part of the expense that will

result from the establishment of this office. In the first place, he is to be provided with quarters, he is to be provided with the paraphernalia and equipment for that office, he is to have his clerks and his secretary, and that ought to be saved these people if it be possible. You must bear in mind that the expense of all the government of the island devolves upon the people of Porto Rico. It is not paid out of the revenues of the Government of the United States, and it seems to me that it would be the part of wisdom, the part of economy, and the part of good administration to cut it down as far as it can be consistently done for the good of the government of the island. This department of the interior, it strikes me, is a kind of a supernumerary and could be easily eliminated, and I hope the committee will see proper to adopt the amendment.

Mr. DOUGLAS. Mr. Chairman, I applaud the general purpose of the gentleman from Kentucky, but I am sure he could not have selected a more important department to eliminate from this bill than the one he has chosen. I feel sure every individual who is familiar with conditions in Porto Rico will agree that this is true. The commissioner of the interior has charge, in the first place, as the gentleman has suggested, of really the most important piece of public work now being carried on or that can be carried on in Porto Rico, and that is the construction, in that very rugged and mountainous country, of public roads which bring the different parts of the island together into closer connection and communication.

Mr. HELM. Mr. Chairman, will be gentleman inform me of the mileage of the public roads in that island?

Mr. DOUGLAS. I beg the gentleman's pardon, I did not hear his question.

Mr. HELM. What is the mileage of the public roads on the island?

Mr. DOUGLAS. I have been over a great many of them, and I think it is between 700 and 900 miles; nearly 1,000 miles of the finest and most expensive roads in the world, and new ones are constantly under construction.

But in addition to that, as the gentleman will have noted in the bill, there is a great deal of public land and public property in Porto Rico that was ceded by the treaty of Paris to the General Government and by the General Government to Porto Rico. These lands include large areas of exceedingly valuable swamp lands which, when drained, are worth what would appear, I am sure, to the gentleman from his and to me from my part of the country, almost fabulous prices. There is a continual struggle for this land, and its drainage and sale becomes a problem which it is very important should be dealt with advisedly.

Mr. HELM. Could not the department of agriculture handle this matter?

Mr. DOUGLAS. The department of agriculture is not yet created, although it may be, but you will note, with reference to the department of agriculture, that it may include not only the work of agriculture but of labor and of commerce, and will be an important department of itself. And I am very sure there is no department which is so near and so valuable to the people of Porto Rico as the interior department.

Mr. HINSHAW. In reference to the suggestions made by the gentleman from Kentucky [Mr. HELM], it should be noted that the island of Porto Rico is not to be compared simply by its area. While it may be true that the island is no larger than some western counties, it is larger than each of 18 States of the Union in population. The population and not the area ought to govern. If the suggestion made by the gentleman from Kentucky should be followed, then the State of Rhode Island would not have the power in the United States that it has to-day, nor would the State of Massachusetts, because it is true that in one of the congressional districts of Nebraska, represented by my friend Mr. KINKAID, the area is much larger than, I think, is the whole of Massachusetts, Rhode Island, and Connecticut. So area alone should not govern. But in this island of Porto Rico comparison should be made with the States of the Union, which it resembles in many respects.

Now, in reference to the salaries, I find the total salaries of the executive departments, including the department of agriculture, when created, would be about $40,000. This does not include the supreme court. And there should be in the island of Porto Rico the same executive officers as have been created in the various Territories of the Union or in the various States of the Union, because it compares favorably with any Territory in the Union and with most of the States of the Union. It does not occur to me, in view of the fact that the Porto Ricans take their own revenues from customs duties, which are covered into the treasury of Porto Rico and not into that of the United States, and have the entire use and benefit of them, that the expense of their administration would be out of proportion to their revenues, or would be onerous and oppressive.

Mr. SULZER. Mr. Chairman, no doubt this Porto Rican bill will be passed, and hence I want to make it conform to the desires of the people in Porto Rico. In many respects this legislation is a great improvement on the existing laws governing the island of Porto Rico. It is well known that I take an abiding interest in the progress of Porto Rico, and in the future, as in the past, anything that I can do to promote the general welfare of her patriotic people will always be cheerfully done. My sympathy is all with them. They are entitled to our help.

There are two matters in connection with this legislation, however, that I want to say just a few words about. First, in regard to the citizenship of the people in Porto Rico. In my opinion the people of Porto Rico are and of right should be citizens of the United States, and entitled to all the privileges, all the rights, and all of the immunities of any other citizen of our country under our Constitution. They are entitled to this, and any attempt to refuse the privilege is a discrimination, unrepublican, undemocratic, and un-American.

To call these good people "citizens of Porto Rico" and not "citizens of these United States" is an anomaly, and in violation of the spirit of our free institutions. That strange condition of affairs should be remedied in this bill, and I trust it will be ere the bill is finally passed. The Porto Ricans must be citizens of our country and entitled to all the rights of the same.

Now, another matter. The people of Porto Rico, if they desire anything at the present time, are insistent upon the right to elect the members of the Porto Rican legislature. That is an inherent right of the American citizen, and it ought to be extended to the people of Porto Rico. The Porto Rico people are honest, intelligent, industrious, patriotic, and law-abiding.

They are just as intensely American to-day as any people in our country, and we should give them this fundamental right to elect the members of their house and senate the same as the people of every State in this country, guaranteed a republican form of government by the Federal Constitution, have the right to elect their members of the state legislature. Why deny this right to the good people of Porto Rico? We do them a great injustice when we deprive them of this fundamental principle of home rule. I declare the senators in Porto Rico should be elected by the people, and not appointed by the President. I am opposed to that kind of government. I want representative government by the people. I want home rule for the people here and home rule for the people in our insular possessions—in Porto Rico, in Hawaii, in Alaska, and in the Philippines. We must be just. We must be true to our ideals.

I know I voice the sentiments of the patriotic people of America when I say that if there is anything dear to the American heart it is the right of local self-government. The Declaration of Independence still rings true—governments derive their just powers from the consent of the governed. If that is true here, it is true in Porto Rico. And the people in Alaska, the people in the Hawaiian Islands, the people in the Philippines, and the people in Porto Rico ought to receive, without further delay, from the Congress of the United States this great fundamental right and principle of home rule and local self-government. Why deny Porto Rico this privilege? Why treat them differently from the people in our own Territories? I pause for an answer. No one can successfully controvert the proposition.

My good friend, the Resident Commissioner of Porto Rico, tells me the greatest defect in this bill is that it denies the right of the Porto Ricans to elect their senators. I hope when this provision of the bill is reached for consideration that every Member of this House who believes in our free institutions, who boasts of them, and who glories in free America, will vote to amend this bill so that the Porto Ricans shall have the right to elect their senators the same as we have the right. The people of Porto Rico will never be satisfied until this right is granted, and, take my word for it, sooner or later it will be granted. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OLMSTED. Mr. Chairman, just a word on this amendment. The gentleman from Kentucky has offered it in the interest of economy. I think it will be very expensive economy to Porto Rico. We have constructed four times as many miles of excellent roads since we have been there as were constructed under Spanish rule for centuries. We have constructed, or are constructing, an expensive system of irrigation. We have conveyed to the people of Porto Rico over 200,000 acres of land, acquired by the United States from Spain. This officer has

charge of all public improvements and all public lands. His is one of the most important departments in Porto Rico. No single representative or citizen of that island, so far as I know, is asking or has ever asked for or desired the abolition of this department.

Now, the gentleman from Kentucky has said, and truly, that Porto Rico is not as large, territorially speaking, as some counties in the United States. That is true. But, as my friend from Nebraska said, we must consider it as to population rather than with regard to its territorial extent. It has more population than Connecticut and Delaware combined; it has more population than Florida and Maine combined; it has as large a population as New Hampshire, Florida, and Nevada combined; it has as large a population as Vermont and West Virginia combined; it has as large a population as West Virginia, Utah, and Oregon combined.

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

Mr. OLMSTED. Certainly.

Mr. HELM. How does the wealth of the island compare with the States that you have enumerated?

Mr. OLMSTED. It largely exceeds the wealth of some of them, I will say to the gentleman; very largely. I hope that the amendment will not prevail, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

Mr. LARRINAGA. Mr. Chairman, I wish to offer the following amendment.

The Clerk read as follows:

Section 18, page 12, line 5, after the word "President," insert the following: "three of whom shall be natives of Porto Rico."

Mr. LARRINAGA. Mr. Chairman, I offer this amendment because I believe that we Porto Ricans are entitled to the management of our own affairs. I could bring as authority for that many prominent Americans, but I will begin by stating that for many years before American occupation the Porto Ricans held many important and responsible positions. For thirty years before American occupation we had an insular legislature, and in that legislature there were four executive committees, and the chairmen of those committees were properly executive officers. So, Mr. Chairman, it is not a new thing for a Porto Rican to be the head of a department, and I remember one of them, the treasurer, in the seventies, which was a very important position. Whenever a Porto Rican has been put at the head of any official position he has proved to be competent.

Now, I am going to read to you. I do not want to speak to you of old times or of many who have been in authority, but I am going to read to you from the hearings of the Committee on Insular Affairs of the House a statement made by the attorney-general of Porto Rico, Mr. Hoyt, not a very progressive or liberal man as he proved in his office, although he was very honest and fair in dealing with this point as to whether Porto Ricans are competent or not. Speaking of something else before the Committee on Insular Affairs, he says:

Better to have them appointed, and I was very much pleased to hear Mr. Serra state yesterday the thing which I have thought for a long time, and that is that some of the heads of departments should always have been Porto Ricans, in my judgment, so there could always have been a majority of Porto Ricans in the council, but Porto Ricans carefully selected for their character as men capable of fulfilling those important duties, and thereby there would have been avoided this unhappy conflict which has arisen between the American members of the executive council and the Porto Rican people. I knew when I was appointed attorney-general and started from out on the Pacific coast to go down there—I knew the minute I read the Foraker Act and found that there were six American heads of departments, constituting a majority of one over the Porto Ricans in the executive council, that there was bound to be trouble as long as that was the situation.

I do not care to take the time of the committee to read the rest of his statement; but here is a man who last year, while we had that controversy with the upper house, was fighting the lower house, so to speak. He did not spare us. I remember his statement before the Committee on Pacific Islands and Porto Rico of the Senate. I was informed that he was inspiring some of the literature by which the house of delegates was abused, and yet that man here, like Captain Wilson, of Ohio, when it comes to this point, does justice to the Porto Ricans.

For these reasons I present the amendment that three of the heads of the departments should be natives of Porto Rico.

Mr. MADISON. Mr. Chairman, I think I am not exposing any of the secrets of the committee when I say that there was no particular controversy in the committee over this matter, and that the idea of the committee was that this question might properly be left to the discretion of the President. He has the authority to appoint Porto Ricans or to appoint Americans, just as he may see fit. And whoever may be President of the United States, there is no question that he will be in hearty sympathy with those people and earnestly desirous of their upbuilding; and I have no doubt that whenever, under all the circumstances and conditions, it appears to the President that it is best to appoint Porto Ricans as members of this cabinet—for in effect it is a cabinet—he will do so. We have left it in the discretion of the President of the United States.

Mr. LARRINAGA. Will the gentleman yield?

Mr. MADISON. Certainly.

Mr. LARRINAGA. In all kindness I will tell the gentleman that we are a little shy on that proposition, because the Foraker Act provided that out of the eleven members of the executive council at least five shall be natives, leaving the door open to the President to appoint others, gradually, whenever he saw fit.

I know that the author of that bill, the Senator from Ohio, Mr. Foraker, for two years before he left the Senate had been strongly urging the President to appoint one more native member to the executive council of Porto Rico. In accordance with the opinion of the attorney-general from Porto Rico it should have been done. I think if ever there was a President of the United States who was favorable to Porto Rico it was President Roosevelt; and I do not want to tell the gentleman why he did not fill that place with a Porto Rican, being so well inclined toward Porto Ricans as he was. The gentleman knows the reason as well as I do.

Mr. MADISON. As I understand it, the Foraker Act requires that five members of the senate shall be Porto Ricans.

Mr. LARRINAGA. Of the executive council; yes.

Mr. MADISON. How many of them are Porto Ricans now?

Mr. LARRINAGA. Not more than five.

Mr. MADISON. But at present none of the heads of departments are Porto Ricans.

Mr. LARRINAGA. No, sir.

Mr. MADISON. That is true, but the gentleman understands also that under the understanding effective at the present time five of the thirteen members of the senate are to be elected.

Mr. LARRINAGA. Yes.

Mr. MADISON. And the five who must be elected will be Porto Ricans?

Mr. LARRINAGA. Yes.

Mr. MADISON. From districts that will be hereafter created?

Mr. LARRINAGA. Yes, sir.

Mr. MADISON. So that, so far as the senate is concerned, you are losing nothing. You will have the same number of members in the senate, and, in addition to that, under the understanding, a progressive plan is arranged whereby it is only a question of a few years until you have control of the senate by Porto Ricans.

Mr. LARRINAGA. But my remarks were intended to prove to the gentleman that it is not very safe to leave to the Executive the appointment of one or more officers or members of the body, because the President may find himself surrounded by different circumstances and influences that may prevent him from doing as he would like to. I think that the Porto Ricans are competent to fill these places, and I should prefer to have it done now, because we can not tell of the future. We have been waiting ten long years for the President to appoint one more Porto Rican to the executive council, and that minimum of five always remains.

Mr. MADISON. I think we can very well leave this to the intelligence, patriotism, and discretion of the President of the United States. That is where it ought to be lodged, under all the circumstances and conditions that exist in Porto Rico.

Here are six heads of departments. Here is the matter of finance handled by one, the matter of audits to be handled by another, the problem of preserving the public health, which is conceded to an American at the present time. I understand the peculiar ability of Doctor Ashford has been so recognized that it is conceded that he should be at the head of the department of health. There is the matter of the construction of public works, referred to by the gentleman from Ohio, which is placed under the department of the interior; the administration of justice, which should be confided only to a good, capable lawyer; the education of the youth, which should be placed under the charge of a man trained in the organization of public-school systems. Now, it is better at the present time, in the judgment of the committee, that all these works, in a sense related to each other, should be carried on under the supervision and control of such persons as the President of the United States, in his wisdom and discretion, may think best.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word. If any argument was wanted in favor of giving the Porto Rican people the largest possible measure of home rule, it would be the present condition in this House, the attendance and interest, or rather the lack of attendance and

interest, displayed upon the part of Members while we are constructing the organic law to govern approximately 1,000,000 people.

While I was not aware of the nature of the proposed amendment until it was offered by the Commissioner from Porto Rico, there have occurred to me some substantial reasons and considerations in favor of it. For instance, as just mentioned by the gentleman from Kansas, there are six of these departments created in this bill, with department heads. There are the departments of justice, of finance, of audit, of the interior, of education, and of health.

The amendment offered by the Commissioner from Porto Rico proposes an equitable division of these department heads between the Americans and the Porto Ricans. But further than that, it will be observed upon an analysis of these departments, there is a practical basis for making this division. For instance, the department of justice is one the head of which would unquestionably be an American. The department of health—the commissioner of that department may be, and without question will be, an officer of the Army or the Navy of the United States. That virtually confines that appointment to an American.

Perhaps a great many would not consent to turn over the department of finance, the treasury department, to the Porto Ricans. So that probably that department head would be an American, making three American department heads—justice, health, and finance.

Now, it seems to me there are very strong reasons why the remaining department heads should be turned over to the Porto Ricans. In the first place, the departments of audit and finance afford a natural check upon each other. One allows the claim and the other pays the claim. So it seems to me, in the very nature of things, if you want the best possible check on these departments in the expenditure of the funds, no better plan could be adopted than to put at the head of the treasury department an American and at the head of the audit department a Porto Rican. Then there is the department of the interior, which will be directly concerned with purely local affairs of the Porto Rican people. I think it will go without saying that there are very many competent, highly educated, thoroughly capable Porto Ricans who ought to be, and probably would be, better qualified to administer the affairs of the interior department than some one who is sent down there from the United States for that purpose.

Mr. PARSONS. Will the gentleman yield?

Mr. MARTIN of Colorado. Certainly.

Mr. PARSONS. Does the gentleman know who the commissioner of the interior department of Porto Rico is now?

Mr. MARTIN of Colorado. I do not.

Mr. PARSONS. He is a business man living in Porto Rico, has lived there many years, an American, and my recollection is that his appointment has given universal satisfaction to the people of Porto Rico.

Mr. GARRETT. Mr. Chairman, of course I think that is true—that he is giving universal satisfaction—but it is not a question of satisfaction, it is a question of the right of these people to participate in their own government to some extent.

Mr. PARSONS. It seems to me that when you are building roads the most you want to do is to build them right and to have the affairs of the department properly administered. I think it is desirable that the people of Porto Rico should partake in government, but I do not see that it is very desirable to legislate out of office an efficient man that is giving perfect satisfaction.

Mr. LARRINAGA. Will the gentleman from Colorado yield?

Mr. MARTIN of Colorado. I will yield to the gentleman for a question.

Mr. LARRINAGA. The gentleman from New York is right. The gentleman at the head of the department of the interior in Porto Rico is a very able and competent engineer. Then he is honest, he is identified with the country there, and I do not believe there has been at the head of a department there a man who has given and will give more satisfaction. I recommended him, not because he was a friend but because I knew it would be in the interest of the people of Porto Rico.

Mr. MARTIN of Colorado. I gave the gentleman permission to ask a question and my time has nearly expired.

The CHAIRMAN. The gentleman from Colorado has one minute more.

Mr. LARRINAGA. Mr. Chairman, I ask for one minute in which to finish my answer to the gentleman from New York.

The CHAIRMAN. The gentleman from Porto Rico asks unanimous consent to answer the gentleman from New York. Is there objection?

There was no objection.

Mr. LARRINAGA. The gentleman from New York asked the gentleman from Colorado if he knew the present incumbent of the department of the interior, and says he is the best man for that place. I want now to ask the gentleman a question: Does he know who this man's predecessors or the previous incumbent in that department were?

Mr. PARSONS. Yes.

Mr. LARRINAGA. Two good newspaper men. For ten years they were at the head of that department.

Mr. MARTIN of Colorado. Mr. Chairman, the department of the interior and the department of audits are two departments that might well be turned over to the Porto Ricans, it seems to me. Conceding everything that the gentleman from New York [Mr. PARSONS] has said for the head of the department of the interior down there, I might say there are a whole lot of good fellows who are competent and honest, who are representing their districts here in this House, and who may not do so in the next Congress; likewise, the qualifications of the present head of that department give him no claims to life tenure in office.

Now, there remains the department of education, and it strikes me that that is peculiarly a department that ought to be handled by educated Porto Ricans. They are a different people, their history and their traditions are different from ours. Their methods of education are different, and it seems to me that some one of their own blood and environment would be better qualified than a foreigner to satisfactorily administer the department of education. So I say this thing would work out in a practical way.

Mr. PARSONS. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. PARSONS. Why necessitate the putting of the department of education under a Porto Rican, when under Americans trained to the best educational methods Porto Rico has made its great advance in the public-school system?

Mr. MARTIN of Colorado. Mr. Chairman, I do not propose to question the advance that has been made in education under American rule, but the great bulk of the leading men of Porto Rico are highly educated men, educated in the universities of the United States and of Europe. The statistics will show that there is a greater percentage of college-bred men in the house of delegates of Porto Rico than there is in the American Congress, and that being the case they ought to be capable of conducting their own educational affairs. But, after all, I was using that largely to show that there is a practical, equitable division that can be made of these department heads, which, beyond any question, would have a harmonizing and beneficial effect upon the people of Porto Rico. and would lead them to feel that we were trying to give them a fair measure of self-government.

Many gentlemen might have objected to that plan heretofore, when there was a union of the executive and the legislative functions in the same persons and officials, but the executive and the legislative departments would be divorced under this bill, so that giving the Porto Ricans some of these department heads, say three of them, would not increase their representation in the executive council or senate, as would have heretofore been the case. So I believe for these reasons, Mr. Chairman, we ought to adopt the amendment of the gentleman from Porto Rico and give the Porto Ricans one-half of the department heads of their local government.

Mr. DOUGLAS. Mr. Chairman, I think if the gentleman from Colorado has given this bill proper consideration he has seen that it is not framed along haphazard lines. Any study of it will develop the fact that there has been an earnest attempt made in this bill to ultimately divide the legislative from the executive branch of the government—to leave, at least for the present and so far as this bill is concerned, the executive branch of the government as it is—and ultimately to leave to the people of Porto Rico the legislative branch. The plan of the bill is to reenact the provision which provides for a wholly elective house of delegates and an ultimately elective senate, so as finally to put the legislative branch into the hands of the people of Porto Rico. These provisions of the bill are the result, to a certain extent, of a compromise, which, I confess, I thought would be a little more loyally adhered to by gentlemen on the other side of this Chamber, since some of us on this side gave up to some certain extent views of our own——

Mr. GARRETT. Will the gentleman yield?

Mr. DOUGLAS. The gentleman can answer me if I misstate, which certainly I do not wish to do.

The CHAIRMAN. The gentleman declines to yield.

Mr. DOUGLAS. We have here agreed substantially that ultimately the legislative branch of the government of Porto Rico shall become Porto Rican. We have insisted, and I think wisely, that the executive branch of the government shall remain American, if it may be so termed—in other words, that

the governor and heads of the departments shall be appointed by the President, and they shall consist, as they have consisted, of native Americans, unless the President, in his wisdom, sees fit to appoint Porto Ricans. This being so, I submit that this amendment ought not to be agreed to.

Mr. GARRETT. Mr. Chairman, just a word or two. The reference made by the gentleman from Ohio to an agreement and the surprise expressed by him at a failure to keep that agreement, I confess, strikes me with great surprise. There has been no failure on this side of the House to keep loyally every agreement that has been made and suggested. The only agreement I know of that has been broken is by the gentleman from Ohio when he opposed the citizenship amendment this morning. I feel disposed to support the amendment offered by the gentleman from Porto Rico, and I do so as a matter of sentiment. I do not doubt that if this section of the bill as reported stands the President of the United States will find men of ability, men of industry, men of integrity, not natives of Porto Rico, who will conduct affairs down there in an excellent manner. I have no doubt of that, but neither have I any doubt that the President can find among the natives of Porto Rico men of honor, men of integrity, men of ability, who can fill these places with as much capacity as they can be filled by those who are not natives of Porto Rico, and, as a matter of sentiment, I propose to give my support to the amendment offered by the gentleman from Porto Rico.

Mr. LARRINAGA. Will the gentleman permit a suggestion?

Mr. GARRETT. Certainly.

Mr. LARRINAGA. Let me say in this connection to the gentleman from Tennessee that under the military government the heads of the departments, beginning with the treasurer, were Porto Ricans. They met with the approval both of General Brooke and General Davis, who testified that they were competent, and I submit that those gentlemen are competent authorities.

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

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word. I am not in favor of the amendment proposed by the gentleman from Porto Rico for a number of reasons. In the first place, the law vests in the President of the United States the power to appoint the heads of the executive departments in the island of Porto Rico. It allows him to go wherever he may find, in his judgment, the most competent persons to fill those offices. He may select any or all of them from citizens of Porto Rico, or he may select them from among citizens of the United States. Up to date I think the heads of those departments have been Americans. It is the purpose largely of this bill to put the island upon the same basis as Territories of the United States.

Mr. GARRETT. Will the gentleman permit?

Mr. CRUMPACKER. Certainly.

Mr. GARRETT. Can I ask the gentleman if it is not a fact that the officers down there have been Americans all the time except where it was specifically required by law that they should be natives of Porto Rico?

Mr. CRUMPACKER. Oh, I think not; no, indeed.

Mr. GARRETT. I mean in the larger offices.

Mr. CRUMPACKER. The heads of the executive departments have been Americans, but the law does not require it. The President has selected Americans because, I have no doubt, he felt the importance of having American methods of administration adopted in the island of Porto Rico. It is the first duty of American administration in that island to Americanize all the affairs of the island as far as possible to do so, and nothing will contribute more to that end than the introduction into the island of American methods of administration. But this bill undertakes to place the island of Porto Rico upon substantially the same footing as the Territories of the United States. That is the thing that the leading representatives of the people of Porto Rico have been contending for. There is no law requiring the President to appoint a governor or an executive officer in the Territories of the United States from among the residents of those Territories. It has been a time-honored policy of this Government to allow the President to appoint executive officers of Territories from wherever he saw fit, and why now make an exception of Porto Rico——

Mr. GARRETT. Will the gentleman permit——

Mr. CRUMPACKER. Why select Porto Rico from among all the other Territories and make that distinction?

Mr. GARRETT. If the gentleman will permit me, I will venture to say why I should; it is because of racial considerations.

Mr. CRUMPACKER. Because of language and race, the gentleman says, and that is one of the very things that American administration is intended to obliterate as fast as possible to do so. Now, the President of the United States is responsible for the success of the administration of this island. The duty rests upon his shoulders, and shall Congress limit and restrict the exercise of the power that goes along with the responsibility in such manner as to deny him a free hand? If we do that and there shall be maladministration, if there shall be failure of administration in the island, the legislative branch of the Government can not with any degree of justice charge the responsibility upon the President. Conditions have been moving along in a very satisfactory manner in Porto Rico. Most proficient men have been selected there for the duties of the respective posts that they have been chosen to fill, and I want to emphasize upon the House the importance now of teaching the inhabitants of the island of Porto Rico American methods of administration.

That is one reason why the bill contains provisions requiring a certain percentage of the members of the upper house of their legislature to be appointed by the President, namely, in order that American forms and the American spirit of legislation may be introduced in the island, so that it will be no longer a Spanish province, no longer an alien people, but it shall be an American Territory; that the people of Porto Rico will ultimately all speak the American language; that they will follow American methods and traditions in legislation and administration. Let us continue the splendid work that we have entered upon, and completely Americanize the island of Porto Rico. Let us not undertake to trammel and handicap the President in the discharge of this grave responsibility. Let us give the discretion to him, and when the time comes that he concludes that the best interests of the people of the island will be subserved by the appointment of one, two, three, or even all of the executive officers from the inhabitants of Porto Rico, give him permission to do it. But do not, I repeat, undertake to circumscribe his power in this important matter in this way.

Mr. HELM. Will the gentleman yield?

Mr. CRUMPACKER. For a question.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CRUMPACKER] has expired.

The question is on the amendment offered by the gentleman from Porto Rico [Mr. LARRINAGA].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 19. The attorney-general shall have general charge of the administration of justice in Porto Rico. He shall be the legal adviser of the governor and the heads of departments, and shall appear for the people of Porto Rico and prosecute and defend all actions and proceedings, civil or criminal, in the supreme court of Porto Rico in which the people of Porto Rico shall be interested or a party, and may, if in his judgment the public interest requires, appear for the people of Porto Rico and prosecute or defend in any other court, or before any officer, in any cause, civil or criminal, in which the people of Porto Rico may be a party or interested. He shall exercise the powers and discharge all of the duties provided by law for an attorney of a Territory of the United States in so far as the same are not locally inapplicable. He shall have charge of the administration of prisons, penitentiaries, and jails, notwithstanding any provision of law to the contrary, and shall perform such other duties as may be prescribed by law.

Mr. MADISON. Mr. Chairman, I move to strike out, in lines 10, 11, 12, and 13, all after the word "interested" in line 10 and including the word "inapplicable" in line 13.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, lines 10, 11, 12, and 13, strike out the sentence:
"He shall exercise the powers and discharge all of the duties provided by law for an attorney of a Territory of the United States in so far as the same are not locally inapplicable."

Mr. OLMSTED. I have no objection to that.

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

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

Mr. BUTLER. Mr. Chairman, I move to strike out the last word of this section. The question which I intended to ask the chairman of the committee is largely answered by the committee action. I notice, on page 12, in lines 23 and 24, that the committee provided that the attorney-general shall have general charge of the administration of justice in Porto Rico. Has the committee considered whether or not this delegation of general power might not conflict in some way with the authority of the courts?

Mr. OLMSTED. I will say to my colleague that we considered it very carefully and concluded there was no danger of any collision of that kind. He has no jurisdiction over the court.

Mr. BUTLER. None whatever? Remember he shall have general charge of the administration of justice. I have no desire whatever to in any way obstruct the passage of this bill. At the same time it seems to me that there is here a delegation of authority conferred upon the attorney-general that perhaps

he does not usually have, and it might in some way conflict with justice to be administered by the courts.

Mr. MADISON. Will the gentleman yield?

Mr. BUTLER. With pleasure.

Mr. MADISON. I understood, I think, from the chairman of the committee, that he had taken this language from the statutes of Pennsylvania.

Mr. BUTLER. He may have done it. I ought not to be condemned because I do not remember them or because I am ignorant of their terms if I did recall them.

Mr. OLMSTED. I think that is the statute law of Pennsylvania on the subject of the attorney-general's duties. I am not certain it is in the statute, but, in a general way, well understood, the attorney-general of Pennsylvania has general charge of the administration of justice. He uses the name of the Commonwealth for the institution of suits.

Mr. MADISON. And I understand you have used that something like one hundred years.

Mr. OLMSTED. Something like that.

Mr. BUTLER. While I am not 100 years old——

Mr. OLMSTED. I hope the gentleman will live to be 100 years old.

Mr. BUTLER. While I am not 100 years old, I am glad to learn that the language here spoken of is a part of the law of Pennsylvania. Inasmuch as it is, I certainly would commend it to all the people of the Union, and Porto Rico as well.

Mr. GARRETT. Even in view of the way is has worked?

Mr. BUTLER. It has worked well. It has worked out its own ends, which have been useful, and the people of Pennsylvania are pleased that its law is to be a part of this law. I am sorry I did not know the provision was taken from us.

Did I understand the gentleman from Porto Rico to ask me if I would yield to him?

Mr. LARRINAGA. The gentleman from Pennsylvania was speaking about the delegation of powers to the attorney-general. What does the gentleman think, reading on page 13, line 13:

He shall have charge of the administration of prisons, penitentiaries, and jails, notwithstanding any provision of law to the contrary, and shall perform such other duties as may be prescribed by law.

So we are going to have an attorney-general buying beans and pork and clothes and everything. I tell you, Mr. Chairman, it is a very complicated piece of work, and I hope that the attorney-general, in his capacity as law provider, will succeed in his new venture of buying pork and beans, shoes, and so forth.

Mr. BUTLER. Did the gentleman answer the question that he put to me? If so, is he satisfied with the answer?

Mr. LARRINAGA. I wanted to hear the opinion of the gentleman about it.

Mr. BUTLER. I do not see why the attorney-general of Porto Rico should not have sufficient time to act as quartermaster-general of the island. I do not suppose he should buy the beef and taste the soup, and I do not believe that that work should be a part of his duty. I think, perhaps, the language used is that conferring duties upon the Attorney-General of the United States. I am told it is so used in the federal statutes.

Mr. HUGHES of New Jersey. It gives the attorney-general an opportunity to take care of his friends.

Mr. BUTLER. I understand the gentleman from New Jersey to say that it gives the attorney-general an opportunity to take care of his friends? Of course the gentleman understands that he does not intend to include among his friends those who are in the penitentiary.

Mr. ANSBERRY. In and out.

Mr. BUTLER. Does the gentleman mean to include his friends among those in the penitentiary?

Mr. HUGHES of New Jersey. I decline to construe my statement. I will leave that to the gentleman.

Mr. BUTLER. I will construe it in the attorney-general's favor.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 20. That the treasurer shall give bond, approved as to form by the attorney-general of Porto Rico, in such sum as the legislature may require, not less, however, than the sum of $125,000, with surety approved by the governor, and he shall collect and be the custodian of public funds, and shall disburse the same when appropriated by law, on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Porto Rico as depositaries of the government of Porto Rico, subject to such conditions as may be prescribed by the head of the executive department of the Government of the United States designated by the President in pursuance of authority conferred by this act; and the head of such executive department may designate banking institutions in the United States as depositaries of the government of Porto Rico, after they have filed with him satisfactory evidence of their sound financial condition and have deposited bonds of the United States or of the government of Porto Rico or other security satisfactory to the head of such executive department in such amounts as may be indicated by him; and no banking institution shall be designated a depositary of the government of Porto Rico until the foregoing conditions have been complied with; other conditions, including the rate of interest, being equally favorable, preference shall be given to banking institutions of Porto Rico.

Mr. JONES. Mr. Chairman, I desire to offer an amendment. On page 14, line 5, after the word "the," before the word "head," strike out all the balance of the section and insert the word "governor."

The Clerk read as follows:

Page 14, beginning with line 5, after the word "the," where it first appears, strike out all the remaining portion of the section and insert the word "governor."

Mr. JONES. Mr. Chairman, this is one of the sections which confers what I regard as very extraordinary power upon the head of a department to be designated by the President, and it is one of the provisions to which I called the attention of the chairman of the committee in discussing a previous section of the bill.

I understood the gentleman to say that if this section of the bill was susceptible of the construction which I placed upon its language, he would be willing to let it go out, or at least be modified. I have read the section over again and very carefully, and I believe that there is not a gentleman in this Chamber who will not agree that the interpretation which I have placed upon it is the correct one.

Mr. OLMSTED. If the gentleman will yield to me just a moment, I think I can suggest a modification of his amendment which would probably answer his purpose and be acceptable all around. The gentleman's amendment would limit deposits strictly to banking institutions in Porto Rico. I understand that by the terms of the bonds which they have issued for the purposes of irrigation and perhaps some other purposes, they are required to keep certain trust funds, and certain funds to meet the interest, and so forth. At all events there are occasions when it is very important to have some money deposited in the United States; there are times when they can get better interest in the United States, because the banks in Porto Rico have no use for so much money. But what I was going to suggest was this, after the word "Porto Rico," in line 10, insert the words "in which the treasurer of Porto Rico may in his discretion."

In other words, the head of the department merely designates those which have qualified and are approved. He is in a better position, being here in the United States, to pass upon the solvency of banks here. This provision requires them to put up bonds and give security, and so forth. Then, after all that has been done, the head of the executive department—now the Secretary of War—is not to require the moneys to be deposited in any particular bank nor in the United States at all. He can not require deposits to be made. But "in his discretion" the treasurer of Porto Rico may deposit in the United States in those banks which have qualified and are designated by the head of the executive department.

Mr. JONES. I think I can offer a suggestion which will meet the objection which the gentleman raises to my amendment. I would prefer, in line 3, after the words "Porto Rico," to insert the words "and in the United States," so that the section will read:

He may designate banking institutions in Porto Rico and in the United States as depositories of the government of Porto Rico, subject to such conditions as may be prescribed—

And so forth.

I can not understand why the treasurer of Porto Rico, who is an appointee of the President of the United States and who must be confirmed by the Senate of the United States, can not be intrusted with the authority to select the banking institutions in the United Staes in which public funds shall be deposited, subject to the approval of the governor, who is also an appointee of the President and who, like the treasurer, will be an American. I think my amendment will meet the objection which the gentleman from Pennsylvania urges.

Mr. OLMSTED. I suggest to the gentleman that his amendment leaves out all the safeguarding, and requiring the banks to give security, and so forth. There is the further objection that the governor and treasurer of Porto Rico, 1,200 miles away, can not be as well posted as to American banking institutions as an official here in Washington would be.

Mr. JONES. Then let it be amended in this way: Insert the word "governor" where I have suggested in line 5, and then, in line 8, strike out the words "head of such executive department," and say—

And the treasurer, with the approval of the governor, may designate the banking institutions in the United States as depositories of the government of Porto Rico after they have filed with him satisfactory evidence of their sound financial condition and have deposited bonds of the United States—

And so forth.

The more safeguards you put around it the better, but what I desire is to leave the matter in the hands of the treasurer. I have no idea that the President of the United States will select for this important position an American who is not fully qualified to perform its duties.

Mr. GARRETT. Mr. Chairman, I ask the attention of the gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Virginia [Mr. JONES] for a moment. It seems to me if this amendment were made it would meet the purposes of both gentlemen: Beginning in line 5, strike out the language "head of he executive department of the Government of the United States designated by the President in pursuance of authority conferred by this act," and insert in lieu thereof the word "governor." Then let it continue—

And the head of such executive department may designate the banking institutions depositaries of the government of Porto Rico, in his discretion—

And let the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] come right in there. Will not that meet the purposes of the gentleman from Virginia [Mr. JONES]? The amendment suggested by the gentleman from Pennsylvania [Mr. OLMSTED] proposes to strike out the language above there which gives the control over the money in the island. This will take that all out of the hands——

Mr. JONES. My idea was to give the treasurer, with the approval of the governor, the full control of the money to be deposited in the islands, and I also desire to strike out the rest of the section, which gives the head of that department the power, as I think this section does, to take every dollar of the money of Poro Rico and deposit it in certain banks——

Mr. OLMSTED. The rate of interest being favorable, preference should be given to banking institutions in Porto Rico.

Mr. JONES. But if he thinks he can make more favorable arrangement, he can take every dollar of the Porto Rican funds and put them in the banks of this country.

Mr. OLMSTED. My amendment proposes to leave it discretionary with the treasurer of Porto Rico.

I ask unanimous consent that this section be passed for the present. I think we can agree on something that will harmonize our differences.

The CHAIRMAN. The gentleman asks unanimous consent to pass the section without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 21. That the auditor shall keep full and accurate accounts showing all receipts and disbursements and perform such other duties as may be prescribed by law. Where an appeal is permitted by law to the governor from the decision of the auditor as to the legality of any expenditure or payment, the governor's decision shall be final only in such cases as his conclusion is the same as that of the auditor. Where a different conclusion is reached by the governor, the matter shall be certified and submitted by the governor to the executive department designated under this act by the President. The decision of the auditor shall be final in any question as to the account to which any expenditure shall be charged; but any head of department or office affected by any such or other decision of the auditor, who may be dissatisfied therewith, may, with the consent of the governor, or the governor may, submit the question at issue, with the facts certified, through the governor to the executive department of the United States designated by the President. In all cases the decision of the head of the executive department having jurisdiction shall be final.

Mr. JONES. Mr. Chairman, I desire to offer an amendment to this section. I move to strike out, commencing with the word "only," line 1, page 15, all down to and including the word "final" in line 15.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, line 1, strike out all the rest of section 21 after the word "final."

Mr. JONES. Mr. Chairman, the first part of this section reads as follows:

That the auditor shall keep full and accurate accounts showing all receipts and disbursements, and perform such other duties as may be prescribed by law. Where an appeal is permitted by law to the governor from the decision of the auditor as to the legality of any expenditure or payment, the governor's decision shall be final only in such cases as his conclusion is the same as that of the auditor.

It seems to me it is not necessary to provide for any appeal from the governor's decision to the head of any military bureau in the United States. This bill is framed upon the theory that the heads of departments and the governor, who are to be selected by the President, will be men in every respect worthy of confidence and capable of performing the duties conferred upon them by the extraordinary provisions of this bill, and I do not believe that it is necessary to provide for any appeal from the rulings of the auditor beyond the governor.

Therefore I hope that inasmuch as this is a very extraordinary and unusual, and as it seems to me unnecessary provision, that the chairman of the committee will consent to the amendment which I have proposed.

Mr. OLMSTED. Mr. Chairman, I do not think the gentleman from Virginia wants his amendment to go quite as far as that would. I want to call his attention to line 6, where it says:

The decision of the auditor shall be final in any question as to the account to which any expenditure shall be charged, but any head of department or office affected by any such or other decision of the auditor who may be dissatisfied therewith may—

And so forth.

Mr. JONES. I wish to get rid of all that. For it is provided further on that "in all cases the decision of the head of the executive department having jurisdiction shall be final." I can not conceive of any reason why the head of a military bureau in Washington should be given the final decision in matters which pertain to the duties of the auditor of Porto Rico.

Mr. OLMSTED. Does the gentleman want to strike out the language "the decision of the auditor shall be final in any question as to the account to which any expenditure shall be charged?"

Mr. JONES. I would be entirely willing to leave those words in. I have no objection to those words being left in the section.

Mr. OLMSTED. I do not think it of sufficient importance to make a contest about if those words are left in.

Mr. JONES. Then, Mr. Chairman, the amendment will be modified to the extent of striking out all commencing in line 1, page 15, with the word "only" down to the word "final," except the words, on lines 6 and 7, that "the decision of the auditor shall be final in any question as to the account to which any expenditure shall be charged."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 15, line 1, beginning with the word "only," strike out all down to and including the word "President," on line 5.

In line 7, beginning with the word "but," strike out the remainder of the paragraph.

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

The Clerk read section 24.

Mr. OLMSTED. Mr. Chairman, sections 25 to 46, both inclusive, relate to one subject, the department of health, and I ask that they may all be read and then all open for amendment.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the sections relating to the department of health—sections 25 to 46, inclusive—shall be read as a whole before any amendment is offered. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 25. That the commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, and shall perform the duties hereinafter indicated, and such other duties as may be prescribed by law.

SEC. 26. That the department of health shall consist of a commissioner of health, a bureau of sanitation, a bureau of charities, and a board of sanitation and charities, and shall include all branches of the public service and public institutions relating to sanitation and charities, including institutions for insane and minors, now existing or that may hereafter be created.

SEC. 27. That the commissioner of health shall, subject to the approval of the governor, appoint, remove, and prescribe the duties of all officials of the department of health not herein otherwise provided for.

SEC. 28. That the commissioner of health may cause to be removed to proper places designated by the board of sanitation and charities any person sick with a quarantinable disease, or any other rapidly spreading affection, subject to the sanitary ordinances that may be in force and through the director of sanitation. He shall have the control of public hospitals for the treatment of such cases, and shall administer the funds appropriated for the use and maintenance of such hospitals. He may occupy for the purpose of provisional hospitals such buildings as may be necessary, without prejudice to the subsequent payment to the owner of a reasonable indemnity, the amount of which shall be determined in accordance with the procedure established by law in like actions; and he may order proper care and attention to be given to the sick persons removed to the hospital, as herein provided for, when it comes to his knowledge that such persons are too poor to defray the expenses of their attendance or when it is necessary to take care of them in the interest of public health. No person suffering from a quarantinable or rapidly transmissible disease shall be removed from a vessel or from any other place set aside by competent authority for his isolation and treatment without a written permit from the commissioner, the director of sanitation, or the sanitary official placed in charge of such vessel or place by the commissioner. For the purpose of carrying out the duties prescribed, the commissioner, or any duly authorized officer or employee of his department, may enter at any time into private properties and dwellings for the inspection or examination of such premises.

SEC. 29. That in addition to the regular municipal sanitary services provided for by law, the commissioner of health may, with the approval of the governor, establish such special and temporary sanitary detachments and services, with the necessary personnel therefor, as may be required for disinfecting, for the extinction of the mosquito, or for other preventive measures against epidemic diseases, and may expend for this purpose the necessary sums for personal services, supplies, and equipment from the funds available therefor or from the epidemic fund, or both.

SEC. 30. That whenever the proper authority of any municipality fails to perform the works or services required by the commissioner of health in accordance with the law and regulations, after a reason

able period, which may be determined upon by the commissioner, the commissioner may order the works or services in question to be performed and paid for from the appropriation available for that purpose or from the epidemic fund, or both, but the municipality wherein the failure has occurred shall be obligated to make reimbursement for the amount expended. The commissioner of health, on behalf of the government of Porto Rico, may institute suit in the competent court to recover said moneys, and when recovered the amount shall be paid into the insular treasury for the purposes of the proper reimbursements, or may be deducted by the treasurer of Porto Rico from any moneys collected or held by him on account of said municipality.

SEC. 31. That quarantine stations shall be established at such places in Porto Rico as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States; but no quarantine shall be imposed upon or removed from Porto Rico without the concurrent approval of the Secretary of the Treasury and the Secretary of War.

The commissioner of health may at any time inspect the quarantine stations in Porto Rico and the records of the same, and shall make reports of all such inspections to the Secretary of War, which reports shall be transmitted to the Surgeon-General of the Public Health and Marine-Hospital Service.

SEC. 32. That the commissioner of health, personally or through an inspector or a committee, or one or more members of the board of sanitation and charities, may investigate the conditions of any establishment or institution subject to inspection in accordance with the provisions of law; and the authority or committee appointed to make such investigation may subpœna witnesses, require the production of documents and books, and if such witnesses should fail to appear or refuse to testify or produce the books or documents called for, they shall be subject to the penalties prescribed by law for recalcitrant witnesses.

SEC. 33. That no official, employee, or agent of the bureau of sanitation shall be held liable for the acts done or omitted by him in good faith, and with ordinary discretion, in the service of the department or in the observance and enforcement of its ordinances, regulations, or laws.

Every person whose property may have been unjustly or illegally destroyed or injured by the enforcement of any order, regulation, ordinance, or by any action taken by the bureau of sanitation, or by its employees or agents exempt from personal liability, as aforesaid, may maintain the appropriate action against the government of Porto Rico for the recovery of proper damages. But in such cases the claim must be presented to the commissioner of health, in writing, within thirty days after the occurrence of the acts which gave rise thereto, and the date, place, nature, and degree of the damage or injury suffered, and the estimated value thereof shall be set forth in the complaint under oath or affirmation. The commissioner shall render his decision within twenty days after the receipt of the claim, and after hearing the official or employee responsible for the loss or damage. No judicial action can be brought against the insular government for such damage or injury unless it be established that the claim was presented to the commissioner of health in due time and that the commissioner has failed to decide or has decided adversely or in a form not satisfactory to the claimant within the period of twenty days allowed him for decision.

SEC. 34. That the bureau of sanitation shall be in charge of a director of sanitation appointed by the commissioner of health with the approval of the governor, and the said director, under the authority of the commissioner, shall have the direction of all branches of the service of sanitation except as otherwise herein provided, and shall have control over the chemical and bacteriological laboratory of the department, the anemia commission with its dispensaries, the training school for nurses, and all other institutions and establishments of a sanitary character subject to the jurisdiction of the bureau, and of all sanitary inspectors and local sanitary officers. He shall be ex officio a member of the board of sanitation and charities, and the president thereof.

SEC. 35. That the sanitary affairs of each municipality shall be administered by a local sanitary officer, who shall be the representative of the bureau of sanitation and under the immediate orders of the director of sanitation. The local sanitary officer shall appoint the personnel of his office, subject, except in the case of common laborers, to the approval of the director of sanitation, and shall establish and carry out the following services, to wit: Street cleaning and sprinkling, removal of garbage and other waste, and disinfection of public and private buildings and places. He shall enforce all sanitary laws, ordinances, and regulations, both insular and municipal, and shall have general supervision of all matters relating to the public health throughout the district embraced in the limits of his municipality. He shall transmit with his recommendation through the bureau to the board of sanitation and charities all resolutions of the municipality relating to sanitation and all modifications of the sanitary regulations which they may propose to meet local conditions.

SEC. 36. That the local sanitary officers shall be qualified doctors of medicine and shall be appointed by the commissioner of health, with the approval of the governor, to serve for periods of four years. They may be removed for inefficiency or other causes by the governor, upon the recommendation of the commissioner of health. They shall receive such salary and allowances as authorized by law, but shall not receive expense allowances for any duty within the limits of their municipalities, except upon special authority of the commissioner of health, nor shall they travel on official business outside of their municipalities without his orders.

SEC. 37. That the cost of the sanitary services of municipalities established by this act shall be borne by the insular treasury, except that each municipality shall contribute 15 per cent of its income for each fiscal year to the support of its sanitary services. Any amounts of such contribution not so expended shall revert to the treasuries of the municipalities whence they came.

SEC. 38. That the local sanitary officer of a municipality may impose the fines provided by law or sanitary regulations for infringement of the law or regulations, subject to appeal in each instance to the proper municipal court. Such fines shall be imposed and collected in accordance with the regulations prescribed by the senate of Porto Rico and approved by the governor, and when so collected shall be deposited in the insular treasury, where they shall constitute a permanent fund, to be known as the "Epidemic fund." This fund shall be reserved for emergency use in case of the appearance of an epidemic disease to meet the necessary expenses for which no appropriation exists. All requisitions for funds therefrom shall be made in accordance with resolutions of the senate of Porto Rico, and they shall be disbursed under the direction of the commissioner of health and reported in detail in the annual reports of the department and accounted for by proper vouchers like other public funds.

SEC. 39. That the bureau of sanitation shall have such organization and personnel as may from time to time be authorized by the commissioner of health, with the approval of the governor.

SEC. 40. That the bureau of charities shall be in charge of a director of charities, appointed by the commissioner of health, with the approval of the governor, who, under the authority of the commissioner of health, shall exercise control over all branches of the service of charities and of the hospitals and institutions and establishments of a charitable character under the jurisdiction of the bureau, including public insane asylums and reform schools for children. He shall be ex officio a member of the board of sanitation and charities, over which he shall preside in the absence of the director of sanitation. It shall be the duty of the director of charities to carry into effect the obligations of the insular government to care for destitute or delinquent children and to place them in the custody of the competent authorities or in charge of families that agree to take care of them or in preparatory or reform schools, as may be deemed advisable by him in view of the circumstances of each case. The bureau of charities shall have such organization and personnel as may from time to time be authorized under the law.

SEC. 41. That the board of sanitation and charities shall be composed of the director of sanitation and the director of charities and seven additional members to be appointed by the governor, by and with the advice and consent of the senate of Porto Rico, and to be removable by the governor. The additional members of the board shall serve without salary, except a fee of $5 for attendance at each meeting, but shall be reimbursed for all actual and necessary expenses incurred by reason of their absence from their homes on business pertaining to the duties of their office. The board shall meet at such times as the commissioner of health may prescribe. The commissioner of health shall appoint a secretary to the board of sanitation and charities, whose duty it shall be to keep an accurate record of the proceedings of the board and to conduct all its correspondence. He shall receive such compensation as shall be fixed by the commissioner of health with the approval of the governor. It shall be the duty of the board of sanitation and charities to act as a general advisory body in respect to all matters pertaining to the public health and charities of Porto Rico, and as a body to frame rules and regulations for carrying out the provisions of this act with regard to conditions to be observed by all persons in Porto Rico in matters pertaining to the public health of the island and to the administration of the institutions under the bureaus of sanitation and charities. It shall prepare rules for the regulation of the manufacture and sale of food products, drugs, and liquors, tobacco, cigars, and cigarettes, and for the prevention of the sale of adulterated articles, or of the sale of articles under other than genuine labels setting forth exactly the nature and character of the articles sold. It shall prepare rules for the regulation of conditions surrounding employees in factories and places of business, in so far as such regulation is necessary in the interest of the public health, and of the conditions to be maintained in dairies and bakeries and in connection with the slaughter of animals for food, and governing the transportation and sale of milk and other dairy products, bread and other bakery products, and meat and meat products. It shall prepare regulations for the disposal of garbage and refuse of all kinds, define the character of sanitary appliances to be installed and maintained in public and private buildings, and prepare rules for the burial, exhumation, and transportation of cadavers, and the regulations to be observed in respect to reporting, isolating, and treating infectious or contagious diseases, and in guarding from contamination all streams from which water for drinking or domestic purposes is taken, and it shall prepare all necessary rules for the enforcement of the laws governing the admittance of persons to the practice of medicine, veterinary medicine, pharmacy, dentistry, midwifery, embalming, undertaking, and for the control of offensive and dangerous industries or occupations.

The members of the board of sanitation and charities may at any time examine the reports of inspections of institutions on file in the bureaus of the department and the reports made by the officers of such institutions in accordance with the provisions of this law, as well as any other documents relating to such institutions.

The board of sanitation and charities shall report to the commissioner of health upon all matters which he may refer to it for that purpose.

Complaints and petitions of a general character may be referred to the board by the commissioner of health, the director of sanitation, or the director of charities, for report.

The board shall give hearings to the committees which, as representatives of business or other interests, claim to have been injured by the sanitary measures adopted, and its resolutions on such complaints and petitions shall be laid before the commissioner of health for his decision.

The foregoing enumeration shall not be deemed to be inclusive of all subjects concerning which the board of sanitation and charities shall formulate rules and regulations, but the board shall have power to formulate rules and regulations relative to any matter touching or affecting public health, cleanliness, or the sanitary condition of the island.

SEC. 42. That all rules and regulations of every character formulated by the board of sanitation and charities shall be submitted to the commissioner of health, who shall indorse upon them his views, and may, if he so desires, return them to the board for revision, but when again forwarded by the board to the commissioner of health he shall transmit them, whether approved by him or not, with his views indorsed thereon, to the senate of Porto Rico for action. The senate shall then have power to amend or alter such rules and regulations as it sees fit, and all such rules and regulations approved by the senate of Porto Rico and the governor shall have the force and effect of law, and it shall be the duty of all health officers and other public officials, within the scope of their duties, to take all necessary steps for their enforcement.

SEC. 43. That as soon as practicable after its organization under this act the board of sanitation and charities shall in like manner and in accordance with the procedure prescribed in the preceding section submit a codification of all the rules and regulations that it desires to have approved. These shall be in complete substitution of all existing laws, rules, and regulations and general orders relative to the public health of the island. Such and all subsequent rules and regulations as are approved by the senate shall be printed in English and Spanish, together with all pertinent subject-matter; and said compilation shall be distributed for the information of the public as the commissioner of health shall prescribe.

SEC. 44. That within sixty days after the passage of this act the alcalde of each municipality shall forward to the secretary of the board of sanitation and charities copies of all ordinances in force in his municipality which relate to sanitation or public health, which ordinances shall be considered by the board in making its recommendations. All ordinances or parts of ordinances which are not approved by the senate and governor shall be null and void, but municipal ordinances in force at the date of approval of this act shall remain in force until the alcaldes of the municipalities concerned shall be informed of the action taken by the senate with reference thereto.

SEC. 45. That on July 1, 1910, or as soon thereafter as an official shall be designated by the commissioner of health to receive them, all carts, draft animals, harness, tools and other articles of equipment and material used for sanitary purposes or intended for such use in each municipality, whether property of the municipality or of the insular government and in use by such municipality, shall be turned over to the local sanitary officer or other official of the department designated to receive them, who shall give a receipt and become responsible therefor, and shall use them for sanitary purposes in the municipality; likewise all municipal buildings in use for sanitary purposes at the date of the approval of this act shall continue in such use without payment of rent to the municipality until the department of health shall acquire by purchase or otherwise other buildings for this purpose.

SEC. 46. That there is hereby appropriated and set apart annually from the funds in the insular treasury of Porto Rico for a period of five fiscal years immediately subsequent to the passage of this act $130,000, to be expended for sanitary work in accordance with the provisions of this act; and the sum thus appropriated shall be in addition to such other appropriations as may be made by the legislature of Porto Rico for the support of charitable institutions and for sanitary purposes.

Mr. PARSONS. Mr. Chairman, by unanimous consent, section 20, on page 14, was passed without prejudice, and I now ask that we return to the same, and I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, lines 5 to 8, strike out the words "head of the executive department of the Government of the United States, designated by the President, in pursuance of authority conferred by this act," and insert the word "governor;" in lines 8 and 9 strike out the words "such executive department" and insert "the executive department of the Government of the United States, designated by the President, in pursuance of authority conferred by this act;" and insert after the word "with," in line 18, the words "nor used as a depository, except in the discretion of the treasurer of Porto Rico."

Mr. PARSONS. Mr. Chairman, I think that is satisfactory to the gentleman from Virginia.

Mr. JONES. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

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

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

The Clerk read as follows:

Page 19, line 11, after the words "United States," strike out, beginning with the word "but," line 11, down to and including the word "war," in line 14.

Mr. OLMSTED. Mr. Chairman, I will state that both the Secretary of the Treasury and the Secretary of War are agreeable to that amendment, or rather it is agreeable to them.

Mr. JONES. Will the gentleman please state what the amendment is?

Mr. OLMSTED. Mr. Chairman, it strikes out, beginning in line 11, with the word "but," down to the end of line 14. The provision as it now stands would require the concurrence of the Secretary of War, and it strikes that out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken and the amendment was agreed to.

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

The Clerk read as follows:

Page 19, line 11, strike out "Secretary of War" and insert in lieu thereof the following: "the executive department designated by the President."

The CHAIRMAN. The question is on the amendment.

Mr. JONES. Mr. Chairman, I would like to have the chairman of the committee explain the reason for offering this amendment.

Mr. OLMSTED. Why, we do not want to compel him to make his reports to the Secretary of War, when it is within the discretion of the President in the other provisions of the act to designate some other department. We leave it discretionary with the President.

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

The amendment was agreed to.

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

The Clerk read as follows:

Page 20, line 20, strike out the word "thirty" and insert in lieu thereof the word "ninety."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. FOSTER of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 20, after the figures "33," in line 7, strike out all of the rest of the paragraph.

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

Mr. OLMSTED. Mr. Chairman, I am compelled to oppose that. One of the best health officials they have in the island has recently resigned because he said he had responsibility and no protection. I do not think an official or agent of the bureau of sanitation ought to be held personally liable for acts which he performs in good faith and with ordinary discretion in the observance of the laws relating to his department. We have a provision in here that makes the Government responsible for any injury that is done to anybody under the operation of the health laws.

Mr. FOSTER of Illinois. I will state, Mr. Chairman, that this sort of authority is not given, to my knowledge, to any health authority in the United States. I know of no State in which any such authority is given. This bill provides that they shall have, and while I believe in giving a wide latitude to health officals, to those who are engaged in the work of sanitation, and preserving the health of the people, yet it occurs to me in this paragraph that Congress is going too far in saying explicitly that no man shall be held liable for any act done or omitted by him which he might consider in good faith. I think it is liable to lead to some abuses there in the administration of the laws that we ought not to have.

Mr. OLMSTED. Mr. Chairman, it goes a little further than that. It says not only in good faith, but adds "and with ordinary discretion," and then follows, "in the service of the department or in the observance and enforcement of its ordinances, regulations, or laws."

Mr. GARRETT. If the gentleman will permit me, it seems to me that really all that this provision does is to shift the burden of proof. I think that is the law now. I think that would be the law in Porto Rico or here, that he would not be liable for acts done or omitted by him in good faith and with ordinary discretion, and so forth, but the effect of this is it shifts the burden of proof and it will put upon the person complaining the necessity of proving a negative.

Mr. OLMSTED. No; he would not have to prove it against the official at all because we provide in the very next line that if his property has been unjustly taken or injured in any way he may proceed against the government of Porto Rico for the act of this official.

Mr. GARRETT. Well, but I suggest, if this is going to stay in, the word "personal" be put in after the word "held."

Mr. OLMSTED. I trust the gentleman will not insist upon that amendment. You could not get an official to take a position if he is going to be held personally liable for everything the law requires him to do.

Mr. FOSTER of Illinois. I do not think he is held liable now.

Mr. OLMSTED. Then this will not do any harm.

Mr. FOSTER of Illinois. I do not think under this bill he is held personally liable in performing his duty.

Mr. OLMSTED. I have a letter, received within a week, stating that one of the best health officers in Porto Rico resigned for the very reason he is liable personally and he had no protection.

Mr. FOSTER of Illinois. There is no authority for it under the old law, and I do not think there is in this case.

Mr. OLMSTED. Then we had better make it absolutely certain.

Mr. FOSTER of Illinois. The States that pass health laws pass no such provision as this. I do not think you could find one in the United States where they put in any such provision as that, and yet they have given very wide latitude in the performance of their duties to health officers.

Mr. PARSONS. I do not recall whether in New York we have this provision or not. The testimony was that those sections were modeled upon the sanitary code of New York State and City.

Mr. CRUMPACKER. Mr. Chairman, there is another thing I want to suggest in this connection. In this country we have the common-law principle that an individual performing official duties of this sort that are discretionary in character, if the officer honestly and in good faith executes his duty, as a rule he is not personally liable, but we have never adopted or carried the common law to Porto Rico. They have the civil law of Continental Europe as a background, as their unwritten law, the code Napoleon, which is, of course, French, but which embodied and codified the civil law, and therefore, I think, this provision ought to remain in the bill. It ought to be found in

the statutes of this country, because it is a salutary provision. A health officer often in the exercise of his discretion may find it necessary—I will not say often, but at times may find it necessary—to abate a building, destroy a building even, because it may be full of contagion and be a menace to the health of the community, and if the question of his liability is to be submitted to a jury, a man would hesitate a long time before he would assume a responsibility of that kind.

This does not relieve an officer from liability for an act done in bad faith, or carelessly, or recklessly, but a good-faith performance, with ordinary discretion, is a complete defense to an action for damages, though it may be that in the performance of an act the health officer was altogether mistaken, that it was not necessary to take the step at all, but if he did it in good faith and with ordinary discretion he is entirely absolved from any responsibility, and he must be if the health laws are to be enforced with any degree of efficiency.

Mr. FOSTER of Illinois. But I would suggest to the gentleman from Indiana [Mr. CRUMPACKER] that you have no such provision as that in the law of Indiana, and there is no such provision as that in the law of Illinois.

Mr. CRUMPACKER. If there is no such provision as that in our written law, there is a provision of that kind in our common law.

Mr. FOSTER of Illinois. We have the same provision in both States that you have here, that is, the State becomes liable for the property it is necessary to take in order to provide for sanitation.

Mr. CRUMPACKER. The gentleman is not a lawyer. He belongs to a profession that is more humanitarian and that is fully as honorable as that of the law, but I will say to him that there is a difference between the unwritten law of England and the civil law. The common law has established certain fundamental principles, and one that protects health officers in the State of Illinois and in the State of Indiana from responsibility where they act in good faith; but down in Porto Rico they have altogether a different system. They have the civil law of Continental Europe, that is fundamentally and vitally different from the common law of England, and therefore I think this legislation is necessary. It harms nobody if it goes in, because it is simply declaratory of the principles of the common law.

Mr. FOSTER of Illinois. Mr. Chairman, in my judgment, this provision ought not to be in this bill. I do not think it is a good thing here.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. LARRINAGA. Mr. Chairman, I want to be heard for five minutes. While I am willing to admit the good intentions of the gentlemen of the committee, who want to surround those offices with all the possible guaranties so as to make effective the purpose of that section and to make effective the whole department of health. I must bring before this committee some facts that may seem peculiar to Porto Rico, although from what I know of the United States I do not think it is. It holds just as good here. The gentlemen of the committee do not see any danger in this paragraph. Let me tell them in all good faith and kindness that there is a great danger in that paragraph. I am not speaking, Mr. Chairman, from imagination. I am speaking from experience. We have had something of that kind before. At the inception of the civil government we had two years of food inspectors and justices of the peace that were a perfect calamity in Porto Rico.

I do not want to go into the details now, and do not want to bring thosz questions at this moment, but I tell the committee, in all truth and sincerity, that they should not pass that section, as by passing it you will surely be doing a great injury to the people of Porto Rico, by opening this door to political corruption as it was in 1900 and 1902. From this section you will see that no official, employee, or agent of the bureau of sanitation shall be liable for the acts done or omitted by him in good faith and with ordinary discretion. If this right was limited to a certain kind of officials I would not be opposed to it, but this goes away down to the petty officers of this board, and it is going to be a very dangerous weapon in their hands. It is going to be the worst political instrument for getting votes in Porto Rico that can be imagined.

Somebody may have written from there to the chairman of the committee that there is a case of that nature. I doubt that that fact really happened as reported. I do not doubt the truthfulness and sincerity of the chairman of the committee. I am doubting the sincerity of the man down there. I am the last man on the floor to doubt the honesty or sincerity of purpose of the gentleman from Pennsylvania [Mr. OLMSTED]. With these powers given here, who is to trace the line where good faith ends and bad faith begins? I want the gentleman to tell me if he thinks that this is not a risky provision in this section, with the experience we already had.

"In good faith, with ordinary discretion." Who is going to fix the limit of ordinary discretion? That is the question. Mr. Chairman, I would not like to see this other provision in the bill. It is another dangerous one. I am not in favor of giving to this department the right to step in and take any property it chooses. It would be a good thing in case of an emergency. I believe in the Roman phrase, "Salus populi suprema lex est." But that does not mean only the health of the body, but it refers mainly to the health of the spirit, and not of the body.

The CHAIRMAN. The time of the gentleman from Porto Rico has expired.

Mr. LARRINAGA. I ask that I may have two minutes more.

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

Mr. LARRINAGA. Now, if you give this department the right to step in and take any buildings, land, or property of some kind, as is done in this provision, and leave to the injured party the recourse to go before a court of law, you are putting the burden on the people who have suffered under this provision.

The injured has to go before the courts and try to get redress for the prejudice he has suffered. I do believe, Mr. Chairman, that everything ought to yield to the greatest good of the greatest number; but I do not believe in vesting anybody with the authority or power to step in and take property without due process of law and without previous payment to the owner of that property.

In this connection I want to say also that there is a law in Porto Rico that provides for every such case, when the good of the public is involved. That department has the right at any time to go and designate the property be taken as being necessary for the public service and then to condemn or expropriate it, as we call it, by due process of law, and, after paying a fair price, be entitled to use the property.

Mr. OLMSTED. Mr. Chairman, this provision under discussion is the law in Pennsylvania. It is the law either by statute or the common law in every State in the Union that has a health department. It is one of the most essential provisions of this health department code. I hope the amendment will not prevail.

Mr. GARRETT. Mr. Chairman, I have an amendment to perfect the section, which I believe has preference over the motion to strike out. Line 8, after the word "health," insert the word "personal."

The CHAIRMAN. Is that an amendment to the amendment of the gentleman from Illinois?

Mr. GARRETT. No, sir; the motion of the gentleman from Illinois is to strike out the paragraph, and my amendment is to perfect the text.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

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

Mr. GARRETT. I have another amendment. In line 10, page 20, strike out the words "in the service of the department."

The Clerk read as follows:

Page 20, line 10, strike out the words "in the service of the department."

Mr. PARSONS. Mr. Chairman, I wish to suggest to the gentleman from Tennessee that the effect of that amendment might be to make an employee, a subordinate employee, who had done something pursuant to directions, responsible. You would have a system whereby some subordinate employee is acting within the purview of the action of the department would become involved. I suppose those words "the service of the department" were inserted for the purpose of protecting the subordinate.

Mr. GARRETT. I have no disposition to offer this amendment so as to give the subordinate employee any trouble at all. But I am impressed with the idea that the employee ought to at least have discretion enough to know whether he is acting in pursuance of the enforcement of the sanitary ordinances, regulations, and laws, under these other sections as to the service of the department. It is a very broad section. It seems to me it would be better to have these words out, but I would not place any difficulty in the way of the subordinate employees. Of course I do not intend to do that.

Mr. OLMSTED. If he is ordered by the head of the department to do anything, he might not stop to look up the regulations and ordinances.

Mr. GARRETT. Well, that is true.

Mr. OLMSTED. That would require him to be lawyer, almost. I hope the gentleman will not insist upon that amend-

ment. I think, with the one that he put in, there is ample safeguard.

Mr. GARRETT. I defer to the wishes of the gentleman, and I will not insist upon that amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. GARRETT. Mr. Chairman, on page 17, beginning in line 9, I move to strike out the words beginning with "he," down to and including the words "actions; and," in line 14.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 17, beginning with the word "he," in line 9, strike out down to and including the words "actions; and," in line 14.

Mr. GARRETT. Mr. Chairman, I am just as anxious to get along with this bill as anyone is, and I do not want to take up much time. The effect of this language in the bill really is to give to the commissioner of health, and, of course, to any of the subordinates appointed by this commissioner of health, the power to take private homes for provisional hospitals. Now, if the commissioner of health himself would always be present to exercise his discretion in every case, I do not know that there would be any necessity for this amendment, but this sanitary power here is very broad. It applies to all municipal matters. It will eventually abolish all municipal regulations, and it places the municipal sanitation, as well as the general sanitation, absolutely under the control of this commissioner of health. It will result in having in all the municipalities a large number of petty officials, acting under this authority here in many cases, probably without that discretion that would be exercised by the commissioner of health himself.

Mr. PARSONS. Will there be much interference? Any property that is taken must be paid for, and the officials are not going to get themselves into any more trouble or incur any more expenses than they can help. If you strike that out, are you not going to impose an additional expense by compelling them to provide provisional hospitals?

Mr. OLMSTED. Let me call the attention of the gentleman from Tennessee [Mr. GARRETT] to the further fact that it is only the commissioner of health himself who may do this, not any undergraduate.

Mr. GARRETT. That is a question of construction, I will say to the gentleman from Pennsylvania. Would the gentleman from Pennsylvania be willing to accept an amendment, after the word "occupy," to insert "in cases of emergency?"

Mr. OLMSTED. I think that is all right.

Mr. GARRETT. Then I withdraw the amendment which I offered, and offer another one.

The CHAIRMAN. If there be no objection, the gentleman's amendment will be withdrawn.

There was no objection.

Mr. GARRETT. I move to insert after the word "occupy," in line 9, the words "in cases of emergency."

The Clerk read as follows:

Page 17, line 9, after the word "occupy" insert "in cases of emergency."

Th amendment was agreed to.

Mr. GARRETT. Mr. Chairman, on page 23, line 11, I move to strike out the words "or sanitary regulations," and as a part of the same amendment, in line 12, I move to strike out the words "or regulations."

The Clerk read as follows:

Page 23, line 11, strike out "or sanitary regulations," and in line 12 strike out the words "or regulations."

Mr. GARRETT. I do not think the sanitary officer ought to be clothed with authority to impose a fine for violation of a regulation. I am not sure that he ought to be clothed with authority to impose a fine for a violation of law. Perhaps he ought to have nothing more than the power to summon a person before a police court and have him fined.

Mr. OLMSTED. I call the gentleman's attention to the fact that the next sentence provides that—

Such fines shall be imposed and collected in accordance with the regulations prescribed by the senate of Porto Rico and approved by the governor.

Mr. GARRETT. But this is for the violation or infringement of "a regulation."

Mr. PARSONS. Is not that what happens now in many of our city legislative departments? A great many of our regulations are made simply by the bureau of health, which also fixes the fine, although it does not collect it. Under this bill the machinery for the collection of the fine is to be provided in some other way authorized by the senate of Porto Rico.

Mr. FOSTER of Illinois. Does the gentleman from New York know of any municipality where they give health officers the power to impose fines?

Mr. GARRETT. I was just going to ask the gentleman that.

Mr. FOSTER of Illinois. If a person violates rules or regulations, they make a complaint before a proper judicial officer and the person is taken there and tried; but here in this provision sanitary officers are given the right to impose the fine.

Mr. PARSONS. I suppose a man is notified that he has been fined and then he is haled to court for the collection of the fine.

Mr. FOSTER of Illinois. I think that is a very bad plan. I would say that there is not a citizen in this country that would not object very seriously to any such procedure.

Mr. CULLOP. Will the gentleman yield for me to ask a question of the gentleman from New York?

Mr. GARRETT. I will yield to the gentleman.

Mr. CULLOP. I want to ask the gentleman from New York this question: Surely, your sanitary officer does not impose a fine, does he?

Mr. PARSONS. I think that, perhaps, is a play upon words.

Mr. CULLOP. It is one thing to impose a fine and another to collect it. You can not collect a fine until the man has been accused in a proper tribunal and had a hearing.

Mr. PARSONS. The department might have authority to impose a fine, and the fine might be paid without the person insisting on going to court. He would have the right to go to court if he wished.

Mr. CULLOP. How could you impose a fine upon a person for a breach or infraction of a regulation or a law without his first being heard? He has a right to be heard in his own behalf and to have the question tried in a proper tribunal before a proper court. It takes a judicial decision to determine whether a man has violated the law.

Mr. PARSONS. You can not collect a fine until he has been heard if he wishes to be heard, and under this bill the person accused can be heard if he wishes to be heard.

Mr. GARRETT. Mr. Chairman, is not this what will happen? The local sanitary officer will visit some quarter, some house that has failed to comply with the regulation or with the law, and he will conclude, in his judgment, that the regulation has been violated, or, if you please, that the law has been violated. My amendment is not leveled at the law, however, but to the regulations part of it. Then, the sanitary officer will proceed to notify the citizen in his home or on the street or somewhere that he has been fined, without any day in court, fined for a violation of a regulation. I do not believe—certainly not in my State—that there is any place where an official is authorized to impose a fine for the violation of a regulation. A regulation may be made, and there may be a blanket provision of law which says that such regulation shall be an ordinance, but it certainly would not be a constitutfonal proposition to impose a fine for the violation of a regulation that had not the sanction of law.

It looks to me as if you give the officer enough discretion when you permit him to impose a fine for the violation of the law.

Mr. CRUMPACKER. Mr. Chairman, in this connection I want to call the attention of gentlemen to section 42, that provides:

That all rules and regulations of every character formulated by the board of sanitation and charities shall be submitted to the commissioner of health, who shall indorse upon them his views, and may, if he so desires, return them to the board for revision, but when again forwarded by the board to the commissioner of health he shall transmit them, whether approved by him or not, with his views indorsed thereon, to the senate of Porto Rico for action.

The Senate has a right to make any amendment it sees fit to the rules and regulations before they become operative, so that the so-called regulations are law; they are really enacted into law.

Mr. GARRETT. Then it will not do any hurt if the sanitary regulations go out.

Mr. CRUMPACKER. That is the way they are described all the way through. There is a difference between regulations and law in the point of dignity. We often refer to the ordinances of a municipality, and yet they are law; they are enacted by the legislative body of the municipality, but they are law just the same as the statutes made by the State.

Now, a statutory law in Porto Rico is one that is enacted regularly by the Porto Rican legislature. Here now is a special sanitary code which authorizes regulations or laws respecting the details of its enforcement to be submitted by the board of sanitation and to be enacted by the Senate alone and approved by the governor, and therefore to distinguish this kind of legislation from the laws that are enacted by the regular legislature, they are called sanitary regulations. If

you strike that out, you have no law on the subject of details. They have the force of law, and it is competent for Congress to vest in the Senate alone the legislative power.

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

Mr. CRUMPACKER. I will yield to the gentleman.

Mr. CULLOP. This provision provides that the local sanitary officer shall be the accuser, judge, jury, and executioner.

Mr. CRUMPACKER. I will answer that question. The gentleman is an Indiana lawyer. I have got the import of the gentleman's question. I understand in our own State, and I think in every other State of the Union, we fine citizens for violations of a municipal ordinance, and yet our courts have held that those impositions are not fines but forfeitures. It is not a criminal proceeding to collect them; it is the enforcement of a penalty in the nature of a forfeiture. That is common in federal administration in the enforcement of the internal-revenue law and in the enforcement of rules and regulations and law governing the administration of the Post-Office Department.

Post-office inspectors and deputy collectors of internal revenue repeatedly fine men for violating law. It is simply the imposition of a penalty, and the person who is guilty may pay it and be discharged; but this law provides that in cases of this kind, where there is a penalty in the nature of a forfeiture imposed upon one who refused to obey an order from a sanitary officer, he does not have to pay; he may go to the courts. The sanitary officer can not imprison him; he can not enforce the collection of the fine excepting by going into court; and the accused may appeal to the court respecting the imposition of the penalty. Recently there were several citizens of northwestern Indiana fined $400 each by a naval officer—I believe it was in the city of Chicago—for operating pleasure launches upon the Calumet River without carrying a flag or sounding the alarm bell that the regulations require. They were notified that they were fined $400 each. The Secretary of the department had discretionary power to remit the fines, and they were reduced to $10 each. The men paid the fine, and they were discharged. There was no trial; no court. That is a proceeding that is authorized in federal administration. It is not a penal offense in the sense of the law. It is not a prosecution for a crime, but it is simply the imposition of a penalty for violating the law that carries with it a penalty in the form of a forfeiture, and a suit to collect a penalty of that kind is a civil suit, just as it is in the State of Indiana, a proceeding to enforce the collection of a fine, as we term it, or a penalty for the violation of a city ordinance. It is not a penal proceeding. The rule of presumption of innocence and that sort of thing does not apply. It is a civil proceeding in its nature to collect a penalty for violating a local regulation. We call them ordinances in this country, and in Porto Rico we designate the sanitary detail laws as regulations. I do not see anything wrong fundamentally or in any other way with this system, and we all must recognize the fact that the sanitary officer must have a great deal of power, of absolute power. When conditions require it, he must have authority to make orders and give directions and see that those orders and directions are observed or the sanitary laws will not amount to very much.

Mr. CULLOP. Mr. Chairman, I disagree in part with the view taken by the distinguished gentleman from Indiana [Mr. CRUMPACKER], and I want to point out my objection to this provision which provides that the local sanitary officer of a municipality may impose the fines provided by law or sanitary regulations for infringements of the law or regulations. This constitutes the sanitary officer the accuser, the judge, the jury, and the executioner. The illustration that the gentleman from Indiana used is not directly applicable or in point here. In the case cited by him it is necessary to have the accusation filed before an officer who has jurisdiction, a judicial officer, before the party offending can be called upon to answer, and then the party accused has a right to a trial by jury or by the court, and the right of appeal. Now, by this provision, if it is kept in this section, no such procedure is provided for; and hence it is lodging a dangerous power in the hands of this sanitary officer who may impose if he sees fit very great hardships upon these people. He can use it as an instrument of great oppression and make it a machine of corruption if he desires. He ought to have the right to file an accusation before the proper officer for violations of laws or regulations and not to try the case, and the party accused then ought to have the right of trial, but the sanitary officer ought not to have the right to be the accuser and the trier of persons thus accused. It does seem to me that this provision ought to be stricken out of this section because it may become an instrument of very great harm and hardship when placed in the hands of a man evilly disposed, and such instances may arise under it. In my judgment no such power in the fundamental law of the government of any people ought to be extended, for the reason that it may lead to arbitrary conduct of officers, and enable them, if they should desire, to coerce people over whom they have administrative duties into doing as such officers may wish in matters of the highest importance to the people and their welfare. Such a power is dangerous and hostile to the liberties of any people. It invites abuse of the power conferred on officers and enables them to carry out the abuses, and the people are practically powerless.

Mr. OLMSTED. Mr. Chairman, there is no trouble about this provision. I am sorry the gentleman from Tennessee [Mr. GARRETT] is temporarily absent, for I wanted to call his attention to section 42, as did the gentleman from Indiana [Mr. CRUMPACKER], or to a portion of it, at least, which provides that all these sanitary regulations must be submitted to the senate of Porto Rico. Then this bill provides in section 42, at page 48, that the senate shall have power to amend or alter such rules and regulations as it sees fit, "and all such rules and regulations approved by the senate of Porto Rico and the governor shall have the force and effect of law." They are not merely regulations; they are laws. This section 38 is proposed to be amended by striking out the words "or sanitary regulations." The only object of having those words in there is to make it certain that when we use the word "law" we do not mean simply an act of the legislature or of Congress.

If the gentleman from Indiana [Mr. CULLOP] had read a little further, he would have found it stated in section 38:

> Such fine shall be imposed and collected in accordance with the regulations prescribed by the senate of Porto Rico and approved by the governor.

And, as I have stated already, that, by section 42, is to have the force and effect of law. Now, this sanitary officer does not act as judge, jury, and accuser, all combined, as the gentleman says. He simply says to the man, "You have violated the law, and the fine is so much." If the man chooses to pay it, that is the end of the matter; if not, the man himself takes the matter into court. Now, if that provision were not in here, there would have to be an accusation made against that man. He would have to be brought before the court and have, if he lose the case, to pay the court costs in addition to the fine.

Mr. CULLOP. Will the gentleman yield?

Mr. OLMSTED. Yes.

Mr. CULLOP. In the second line of section 38 it says that "the local sanitary officer of the municipality may impose the fines"—may impose the fines.

Mr. OLMSTED. Well, but it also says that the fines shall be imposed and collected in accordance with the regulations prescribed by the senate and approved by the governor, which have the force of law under section 42.

Mr. CULLOP. But this will be a superior law over that passed by the Porto Rican assembly. This is to be the fundamental law of the land.

Mr. OLMSTED. Yes; and this fundamental law of the land provides in section 42, as I have stated, that these regulations when approved by the senate and the governor shall have the force and effect of law. We make them the law by this fundamental law. The sanitary officer is simply on the same basis as an inspector employed by the Interstate Commerce Commission, who says to a railroad company, "You have violated the law, you have three cars on that train which are not equipped as the safety-appliance law requires. The fine is $300." If the company pays it, that is the end of it; and, as I said before, if they have to go to court and are convicted they have to pay the fine and costs besides. The agents of the Treasury Department every day are imposing thousands of fines in the customs department and in the Internal-Revenue Department. The Post-Office Department, through its inspectors, collects fines, which are imposed by law. There is nothing wrong about this provision at all.

Mr. MADISON. If the gentleman will permit me, is it not a fact that an appeal is allowed to the municipal court, the court of the community in which the man lives?

Mr. OLMSTED. Yes; I thank the gentleman from Kansas for the suggestion, and I desire to refer to it. The bill says the local sanitary officer may impose a fine, "subject to appeal in each instance to the proper municipal court." If a man pays the fine, he escapes the costs, of course; but if he chooses to appeal to the court, then he takes the chances of paying both the fine and the costs.

Mr. GARRETT. Mr. Chairman, the amendment I have proposed is directed merely to the regulation. I am not opposed to his being permitted to impose these fines according to law for a violation of the law.

Mr. OLMSTED. The gentleman was out of the Chamber for a moment, and if he will permit, I want to call his attention to line 2, page 28, section 42, which provides that all these rules and regulations of every character formulated by the board of sanitation and charities shall be submitted to the senate, and it says:

The senate shall then have power to amend and alter such rules and regulations as it sees fit, and all such rules and regulations approved by the senate of Porto Rico and the governor shall have the force and effect of law—

And so forth.

Mr. GARRETT. Yes; that is true, but that is not exclusive of all other regulations.

Mr. PARSONS. It says "all such rules and regulations."

Mr. OLMSTED. Permit me now to call attention to line 13, page 23, of the section under discussion, which says:

Such fines shall be imposed and collected in accordance with the regulations prescribed by the senate of Porto Rico and approved by the governor.

So they have the force and effect of law.

Mr. GARRETT. That is true of general regulations——

Mr. OLMSTED. That is true of all——

Mr. GARRETT. But the local municipal regulations do not necessarily have to be approved by the senate under section 42.

Mr. PARSONS. What local municipal regulations are there?

Mr. GARRETT. I do not know.

Mr. PARSONS. After these rules and regulations go into effect there will not be any local rules or regulations.

Mr. GARRETT. I do not know that there may be; it seems to me there will, in the very nature of things, have to be——

Mr. PARSONS. The act specifically covers that point.

Mr. OLMSTED. If the gentleman——

Mr. LARRINAGA. If the gentleman will permit, I will tell——

Mr. OLMSTED. Just wait a minute; I want to do the telling.

I call attention to the fact that, in line 13, it provides that these fines which a sanitary officer may impose shall be imposed and collected in accordance with the regulations prescribed by the senate of Porto Rico and approved by the governor.

Mr. GARRETT. That is true. They shall be collected in that way. I understand that.

Mr. OLMSTED. They are the only ones he can collect.

Mr. GARRETT. That is the only way in which they can be collected. It seems to me, in the very nature of things, it will be necessary to have some local regulations. I do not see how it would be possible to have the same unbending regulations apply to the whole island.

Mr. PARSONS. May I call the gentleman's attention to section 44, which requires the alcalde of each municipality to send the present ordinances to the board, so that they can incorporate them, and then says:

All ordinances or parts of ordinances which are not approved by the senate and governor shall be null and void.

Mr. GARRETT. That is true as to an ordinance, if the gentleman please, but not to a regulation.

Mr. PARSONS. There can not be any municipal regulation. They are all ordinances.

Mr. OLMSTED. I suggest to the gentleman from Tennessee that there be added at the end of line 11:

Approved by the senate and governor of Porto Rico.

Mr. GARRETT. I will accept it.

Mr. OLMSTED. Mr. Chairman, the gentleman from Tennessee asks unanimous consent to withdraw his amendment and amend by adding at the end of line 11:

Approved by the senate and governor of Porto Rico.

Mr. GARRETT. Now, I will say in that connection that I would prefer the words "legislature and governor of Porto Rico," but I know we would have a long fight about that, and I am not disposed to take up the time.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment of the gentleman from Tennessee may be modified in the manner which the Clerk will report.

The Clerk read as follows:

By adding at the end of line 11 the words: "approved by the senate and governor of Porto Rico."

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

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

Mr. GARRETT. And then the word "such," in line 12.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. CULLOP. Mr. Chairman, I would like to ask the Chairman if he would not change the wording of the second line—"may impose fines?" An officer should only be authorized to proceed against for violations, instead of using punishment.

Mr. OLMSTED. The object is to prevent the necessity of his running up costs for court proceedings. He goes to a man and tells him that he has violated such a law and that his fine is $5. If he pays, that is the end of it. If not satisfied to pay, he himself may take it into court.

Mr. CULLOP. In the same sentence you provide for an appeal.

Mr. OLMSTED. Yes.

Mr. CULLOP. Why should it not begin at once in the court having jurisdiction?

Mr. OLMSTED. Because the offender may prefer to pay the fine instantly and avoid the cost. It is for the saving of cost to the offenders who prefer to pay, just as the railroads pay fines imposed upon them by the interstate-commerce inspector instead of going to court.

Mr. CULLOP. I take it that that is hardly a fair illustration. It seems to me that it ought to be changed from imposing fines to simply making the accusation before the proper tribunal.

Mr. OLMSTED. I do not think it ought to be changed.

Mr. GARRETT. There is one other amendment, and then I am through. On page 26, line 16, strike out the words "and private."

The CHAIRMAN The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, line 16, strike out the words "and private."

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

Mr. DOUGLAS. Mr. Chairman, I hardly think the gentleman ought to insist on his amendment.

Mr. GARRETT. Does the gentleman think I ought to make a statement about it?

Mr. DOUGLAS. No; I do not think that you ought to insist upon that amendment. It requires it to be used in private buildings; that a sanitary appliance in a private building is under the control of a sanitary officer.

Mr. GARRETT. Well, Mr. Chairman, it strikes me it defines the character of sanitary appliances to be installed and maintained in public and private buildings. Now, that is going a good deal further than we do in this country.

Mr. DOUGLAS. I assure the gentleman that he can not install a sanitary appliance in the city of Washington unless it is submitted to the sanitary officer of this town.

Mr. HINSHAW. To what places does it apply?

Mr. GARRETT. It applies to all over Porto Rico.

Mr. HINSHAW. It ought to apply to all towns and cities, ought it not?

Mr. CRUMPACKER. I think it is intended to use for buildings. The gentleman has in mind the terrible scourge of hook worm or anemia, which is the result of infection through the feet of fecal matter, and it is a matter of great importance, if that disease is to be exterminated and the health of the island to be preserved, that the health provision, to prevent promiscuous distribution of that kind of matter, infected matter, from the surface of the earth, must be provided against.

Mr. GARRETT. Mr. Chairman, I yield to the suggestion of the gentleman, especially the insistence of my good friend from Illinois, Doctor FOSTER, and withdraw the amendment.

Mr. LARRINAGA. Mr. Chairman, I ask unanimous consent to be permitted to present some amendments to a paragraph which has been passed.

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

Mr. LARRINAGA. There are several amendments, Mr. Chairman; one is to section 25, page 16, line 12, between the words "all" and "matters," to insert the word "administrative."

Mr. OLMSTED. The Clerk will report the amendment.

The Clerk read as follows:

Section 25, page 16, line 12, between the words "all" and "matters" insert the word "administrative."

Mr. OLMSTED. I hope that will not be agreed to. That would strike out an important feature and lessen the value of the department. It would amount to nothing at all. I do not think we ought to agree to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Porto Rico.

The question was taken, and the amendment was rejected.

Mr. LARRINAGA. Now, Mr. Chairman, I want to offer another amendment to section 27.

The Clerk read as follows:

Section 27, page 16, line 23, after the word "governor," insert "and in accordance with the civil-service laws of Porto Rico."

The CHAIRMAN. The question is on the amendment of the gentleman from Porto Rico.

The question was taken, and the amendment was rejected.

Mr. LARRINAGA. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

In section 30, page 18, in line 19, instead of the word "order" insert the words "report to the board of sanitation and charities;" and in the same section and page, line 20, after the words "to be performed," insert "which if necessary shall be ordered to be done by the said board."

Mr. LARRINAGA. I think this is more convenient for the board of health. The provision of the bill reads:

The commissioner may order the works or services in question to be performed and paid for from the appropriation available for that purpose, or from the epidemic fund, or both, but the municipality wherein the failure has occurred shall be obligated to make reimbursement for the amount expended.

If he proceeds to have that done right away, private property or private rights may be encroached upon. That is the reason for this amendment.

In the latter part of my amendment I propose, after the words "to be performed," to insert the words "which, if necessary, shall be ordered to be done by the said board." Now, I do not think it is unreasonable to let the board consider that point, and if they find it is reasonable, then give the order instead of going on in the way provided in the bill.

The CHAIRMAN. The question is on the amendment of the gentleman from Porto Rico.

The question being taken, the amendment was rejected.

Mr. LARRINAGA. I have another amendment to suggest.

The Clerk read as follows:

That in section 33, page 20, line 19, the words "commissioner of health in writing" be substituted by the words "courts of law;" that in the same section and page, line 20, the words "thirty days" be substituted by the words "six months." Strike out the rest of the section from line 24 to the end.

Mr. LARRINAGA. Mr. Chairman, the reason for this amendment is that I find more protection to the citizens of Porto Rico in referring these cases to the courts of law than to the commissioner of health. This point has been discussed here in connection with the amendment of the gentleman from Tennessee [Mr. GARRETT]; and no matter how much faith I may have in the good intentions of the committee, I will tell them that they can better safeguard the interests and the rights of the people of Porto Rico by putting this in the courts of law than to leave it as it is in the bill.

The other part of my amendment strikes out the words "thirty days" and substitutes the words "six months." I should like to have the two amendments separated, Mr. Chairman.

Mr. PARSONS. May I suggest to the gentleman that "thirty" has already been changed to "ninety," so that it is now ninety days?"

Mr. LARRINAGA. I remember now that that amendment was agreed to.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from Porto Rico.

The question being taken, the amendment was rejected.

The CHAIRMAN. The question is on the second amendment offered by the gentleman from Porto Rico.

The question being taken, the amendment was rejected.

Mr. LARRINAGA. I offer another amendment.

The Clerk read as follows:

Strike out lines 24 and 25, on page 20, down to and including line 8, on page 21.

Mr. PARSONS. Surely the gentleman does not want that amendment adopted now, the first two amendments having been rejected. Certainly he wants to give the people the right of appeal to the courts.

Mr. LARRINAGA. The other amendments having been defeated, I will withdraw this one.

The CHAIRMAN. The gentleman from Porto Rico asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

Mr. LARRINAGA. I offer the following amendment.

The Clerk read as follows:

That in section 38, page 23, line 10, the words "local sanitary officer" should be substituted by the words "municipal court of."

In line 13, strike out the word "municipal."

In lines 14, 15, and 16, strike out the words "regulations prescribed by the senate of Porto Rico and approved by the governor" and insert in lieu of them the following: "in accordance with the sanitary regulations of the island."

The question being taken, the amendment was rejected.

Mr. LARRINAGA. There is another amendment which I wish to present.

The Clerk read as follows:

Section 39, page 24, lines 5 and 6, strike out the words "commissioner of health with the approval of the governor" and insert in lieu of them the words "legislature of Porto Rico."

Mr. LARRINAGA. The reason for this amendment is obvious. Authority has been vested in that department, and I wish the legislature of Porto Rico to retain some control in such matters as this.

The question being taken, the amendment was rejected.

Mr. LARRINAGA. Mr. Chairman, I have another amendment to offer.

The Clerk read as follows:

In section 40, page 24, line 12, before the word "hospitals," insert the word "insular." In the same section and page, line 14, before the word "public," insert the word "insular."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 47. That there shall be appointed by the President a director of civil service, who shall be paid an annual salary of $4,000; he shall reside in Porto Rico during his official incumbency, and shall maintain an office to be known as the bureau of civil service; he shall prescribe rules governing the selection of all officers and employees of the several departments and bureaus of the government of Porto Rico, except those appointed by the President and by the governor of Porto Rico, by and with the advice and consent of the senate; he shall prescribe rules governing promotions, transfers, reinstatements, reductions, removals, leaves of absence, political activity of employees, and for such other purposes as may be in the interest of the civil service. All rules prescribed by him shall be submitted through the governor to the executive department of the United States designated by the President, and when approved by the head of such department shall be binding upon all officers and employees in Porto Rico. He shall conduct such examinations as may be necessary, and perform such work as is required to carry into effect the rules which may be prescribed and approved; he shall aid the governor of Porto Rico as he may request in all matters affecting civil service; and he shall have power to employ such assistants and examiners and at such compensation as may be authorized by law. All examinations under this section shall be competitive so far as it is practicable.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 30 strike out all of section 47 and insert in lieu thereof the following:

"SEC. 47. There shall be appointed by the President a director of civil service, who shall be paid an annual salary of $4,000, and who shall reside in Porto Rico during his official incumbency. Such director shall ex officio exercise the functions and perform the duties now assigned by law to the chairman of the Porto Rican civil-service board, as now established by the laws of Porto Rico, and who shall be the chief officer of any civil-service board or commission which may be hereafter created by the legislature of Porto Rico.

"No law shall be effective in Porto Rico which shall prevent in the case of positions requiring expert scientific knowledge the free transfer of persons in the classified service between Porto Rico and the United States, or which shall prevent any citizen of the United States or of Porto Rico from taking civil-service examinations for such position at any time upon application therefor, or the appointment of eligibles as a result thereof, without preference to residence at the time of such examination or appointment."

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to ask the gentleman from Pennsylvania whether the effect of this amendment would be to relegate to the Porto Rican legislature a pension for the civil-service employees or a retirement fund should it be deemed wise to create them.

Mr. OLMSTED. It would be within the wisdom of that body to pass any law they saw fit in that respect.

Mr. MOORE of Pennsylvania. Section 47 in the bill gives the appointee at the head of the service such general powers as to creating this fund as he saw fit.

Mr. OLMSTED. The amendment which is offered, which is unanimously agreed to by all of the insular committee, takes that power away.

Mr. MOORE of Pennsylvania. And you propose to leave it to the director of the civil service under such laws as the Porto Rican legislature may enact.

Mr. OLMSTED. That is correct.

Mr. GARRETT. Mr. Chairman, this amendment is a decided improvement, I think, on the section in the bill, and was unanimously agreed upon by the committee. As far as I am concerned personally, while I favor it against section 47, I do not believe there has any necessity been shown for taking the civil service out of the hands of the government of Porto Rico as it has been administered heretofore.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

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

The Clerk read as follows:

SEC. 48. That there shall be appointed by the head of the executive department designated by the President under this act an executive secretary for Porto Rico, at an annual salary of $4,000, who shall record and preserve the minutes and proceedings of the public service commission hereinafter provided for and the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor, and all laws enacted by the legislature, and perform such other duties as may be assigned to him by the governor of Porto Rico. Any duties heretofore assigned to

the secretary of Porto Rico by existing law may be assigned to the executive secretary herein provided for, or to any other department or bureau of the government as may be determined by the governor.

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

The Clerk read as follows:

Page 31, lines 16 and 17, strike out the words "by the head of the executive departments designated."

Line 18, strike out the words "under this act," and insert after the word "President," the words "by and with the advice and consent of the Senate."

Mr. OLMSTED. Mr. Chairman, that is the amendment I had substantially in mind.

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

The Clerk read as follows:

SEC. 50. That the President may from time to time designate the head of an executive department of Porto Rico to act as governor in the case of the temporary removal, resignation, or disability of the governor, or his temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

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

The Clerk read as follows:

In section 50, line 12, strike out the word "President" and insert the word "governor."

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

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 52. That the senate of Porto Rico shall consist of 13 members, of whom 8 shall be appointed quadrennially by the President of the United States, and 5 shall be elected quadrennially by the qualified electors of Porto Rico as hereinafter provided. No person shall be a member of the senate of Porto Rico who is not over 25 years of age, and who is not able to read and write either the Spanish or English language, and who is not a resident of Porto Rico, and who does not own in his individual right taxable property in Porto Rico to the value of not less than $1,000; and no person shall be an elective member of the senate of Porto Rico who has not been a bona fide resident of the senatorial district from which chosen for a period of at least two years prior to his election. Except as herein otherwise provided, the senate of Porto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the executive council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate.

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

The Clerk read as follows:

Page 32, line 25, after the word "members," strike out the balance of line 25 down to and including the word "provided," in line 3, page 33, and insert in lieu thereof the following: "who shall be chosen quadrennially, as herein provided. Eight members of the senate shall be appointed by the President of the United States, and at the next regular election after the approval of this act 5 shall be elected by the qualified electors of Porto Rico, as hereinafter provided. The 13 members thus chosen shall serve for four years from the date of the expiration of the terms of the present elected members of the executive council. At the first and second quadrennial elections thereafter 6 members shall be elected by the people and 7 appointed by the President of the United States, to serve for terms of four years each. At the next succeeding quadrennial election 7 shall be elected by the people and 6 appointed by the President of the United States; and thereafter the number to be elected by the people shall at each quadrennial election be increased by one, and the number to be appointed by the President shall be reduced by one, until by that process the senate shall become entirely elective."

Mr. OLMSTED. Mr. Chairman, this amendment is the result of a great deal of deliberation and careful consideration, and is submitted under the unanimous direction of the Committee on Insular Affairs. I therefore do not care to take up the time of the committee by discussing it. Desiring to make some general observations, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, there has been sent to Members of this House a so-called "memorandum" relating to this bill, in which, among other statements, it is set forth that "at the time of the American occupation the people of Porto Rico were enjoying full self-government," and that "this bill now before the House is a step backward even as compared with the Foraker act now in force," and four gentlemen of Porto Rico have signed a statement, published on page 7894 of the RECORD of June 9, 1910, to the effect that they desire this bill defeated. The "self-government" referred to was afforded by the constitution granted by the Spanish Crown. The Spanish Crown gave and the Spanish Crown took away constitutions at pleasure. The one granted in 1897 was the most liberal ever granted to Porto Rico, but because of the American occupation it never really went into effect, and Porto Ricans were, in fact, governed by the much harsher ones of 1895 and 1896.

But treating the constitution of 1897 as having been in effect at the time Americans took possession, let us see whether it was as liberal as some would have us think. I have a translation of it here in my hand. Article 3 and those following provide for an insular or colonial parliament, the upper house called a council of administration and the lower house a chamber of representatives. This insular parliament was given "power to pass upon all matters not specially and expressly reserved to the Cortes of the Kingdom." But it was expressly provided that their power "shall not impair the powers vested in the colonial executive." The laws governing the judiciary and administration of justice were declared to be of a national character, and therefore obligatory upon Porto Rico, but the insular parliament was kindly granted permission to "make rules or propose to the home government such measures as shall render easier the admission, continuance, or promotion in the local courts of lawyers, natives of the island, or practicing therein." All judges were appointed by the governor-general.

Article 41 expressly and emphatically declared that the supreme authority of the colony (not the supreme executive authority merely, but the supreme authority) "shall be vested in a governor-general appointed by the King." And it is expressly declared that "all other authorities in the island shall be subordinate to his." To make that more emphatic, the specific power is given to him in article 42, "to suspend the guarantees set forth in articles 3, 5, 6, and 9, and in the first, second, and third paragraphs of article 13 of the constitution." Now, those guarantees which the governor-general was thus authorized to suspend are the very articles which permitted the island to have a legislature, and provided how its members should be selected.

The upper house under that constitution was to have 17 members, appointed by the governor-general in addition to those elected, and, as will be seen, he had the power to wipe out the legislature entirely—to suspend it, to put it out of business. He was given authority to make all the appointments in the island. In fact, under the boasted liberality of that constitution of 1897, the governor-general was, or might at any time become, pretty much the whole shooting match. The constitution applied to both Porto Rico and Cuba, and everybody knows how much self-government there was in Cuba after 1897.

My good friend from Porto Rico [Mr. LARRINAGA] admits that Porto Rico has prospered under American sovereignty, but contends that that prosperity is in no measure due to the Foraker Act. He thinks that Porto Rico has prospered in spite of that act, and would have prospered as much under the old Spanish constitution. Now, let me show the difference. I have already pointed out in my general remarks upon this bill that the roads, the schools, the schoolhouses, and other public improvements witnessed in Porto Rico within the past decade have been paid for with moneys either donated by the United States or derived from revenues which if collected in any one of the States of the Union would have gone into the Federal Treasury. The Foraker Act permitted them to go into the insular treasury for the benefit of Porto Ricans. The United States has contributed liberally for the benefit of Porto Rico without exacting one farthing from Porto Rico for the support of the United States.

Now, how was it under the liberal Spanish constitution of 1897? The governor-general was required to present to the legislature the budget for the next fiscal year in two parts:

The first part shall state the revenues needed to defray the expenses of sovereignty, and the second part shall state the revenues and expenditures estimated for the maintenance of the colonial administration. Neither chamber shall take up the budget of the colonial government without having finally voted the part for the maintenance of sovereignty.

Thus, you see, the Porto Rican legislature was not permitted to vote a dollar for the support of its own government until it had finally voted the revenues demanded by the King of Spain for the support of the Spanish Crown.

In article 36 it is declared that the Cortes of the Kingdom shall determine—

what expenditures are to be considered by reason of their nature as obligatory expenses inherent to sovereignty, and shall fix the amount every three years.

Now, here we see why it was that during all the hundreds of years of Spanish sovereignty there were only 125 miles of good roads constructed in the entire island, why there were no public improvements, why schoolhouses were few, why the various municipalities were in debt, and why the island was making no progress at all. Her people were taxed not only for the expenses of their own government, but to help bear the expenses and pay the debts of the Kingdom of Spain.

When they were relieved of that incubus and aided by the liberal provisions of the Foraker Act, the people of the island were at once permitted to go forward, and in ten years have constructed three times as many miles of good roads as had ever been built before, quadrupled the schools, established an irrigation plant for the southern part of the island, and so forth. And all this without increasing their own taxation,

which is really much lower now than it ever was before in proportion to the value of the property.

The Foraker Act, under which Porto Rico has lived for the past ten years, has afforded her people vastly more of self-government and brought them vastly more of prosperity than they ever before enjoyed.

Some of the reasons for further legislation are set forth in an article printed in Collier's of May 7, 1910, by Mr. Casper Whitney, which sets forth the situation so intelligently that I give it place here:

PORTO RICO: THE UNEXPLOITED—HELPING PORTO RICANS TO HELP THEMSELVES BY TAKING THEIR INDUSTRIES AND HEALTH OUT OF THE HANDS OF LOCAL POLITICIANS, WHO TRADE ON THE INDUSTRIAL WELFARE OF THE ISLAND FOR SELFISH ENDS.

(By Caspar Whitney.)

To an intelligent, unprejudiced observed on the ground, Porto Rico, industrially and politically, appears to have outgrown the act under which its affairs have been regulated since 1900. And that seems to be a hopeful indication of progress, rather than implied criticism of the Foraker Act itself, which indeed has served its original purpose so admirably that the trade of the island with the United States has tripled in ten years. To be sure, this increase is largely due to development in the fields to which the big interests have directed their attention—sugar and tobacco; the export of sugar, for example, last year being larger by $14,000,000 than the export of 1901; while cigars jumped from $300,000 in 1901 to $4,375,000 in 1909!

A land which can make such a showing is certainly not suffering, so to say, yet those who have looked deep into the island's requirements are united in believing it ready for another advance step. By such men the proposed Olmsted bill is thought to furnish the means through providing for genuine representation in the house of delegates, and limiting the activities of the local professional politicians by making the judges of all the smaller courts (corresponding to our justices of the peace and the like) the heads of the health and other such departments—all direct government appointments—thus taking these offices out of politics.

The house of delegates, the people's (sic) body, is made up of 35 members, distributed among 7 districts. At present most of these can be, and the majority of them are in fact, "elected" from San Juan; but the new plan divides the island into 35 districts—one representative to be elected from each. And by this process it is thought to curb the operations of the politician and give the smaller but real and industrial interests of the island a voice.

There are passionate protests from the professional gentry, of course, just as there were when the Foraker Act was under discussion. But it is not my wish or purpose to dip into the politics of Porto Rico more than to say that such rude upheaval of the political system of the local professionals might be expected to draw burning complaint against change—any change calculated to disturb.

BEYOND THE REACH OF POLITICS.

The new bill offers the first real opening of a way to American citizenship, which the majority of natives desire, through a provision wisely offering citizenship for those who wish it and who can read and write, rather than thrusting it upon them whether they want it or not, and regardless of whether they are qualified for it, as was done in the Hawaiian Islands. It will put under government control the departments of sanitation and charities, hitherto favored scenes for political activity. It establishes six executive departments—justice, finance, audits, interior, educational, and health—all of these to be direct governmental appointments.

Notwithstanding the death rate has fallen from 35.7, when America received Porto Rico from Spain, to 20.9 in 1909, no branch of the island service has more cause for shaking free of political entanglement than that of sanitation. While Cuba, Panama, and the Philippines have been spending liberal sums with signal success, cleaning up and safe-guarding the health of their peoples, Porto Rico appears to have viewed the subject as one of minor importance. True, Porto Rico did not have the need of the others for urgency, because the island is as healthful as it is beautiful, and the dreaded epidemic diseases, such as yellow fever, bubonic plague, and cholera, apt to be encountered in tropical countries, are here unknown. It is not so much the fear of an epidemic as fear that failure to carry forward honestly the movement started by the Federal Government in the days of its early occupation may result in a widespread retrogression of public health. Porto Rico has been spending, indeed, only about 2 per cent of its insular revenues on sanitation, although a fourth of its income is devoted to education, which I offer as no argument against education, but rather to suggest that health, especially to a semitropical island, is of the greater importance.

The island should have a local officer made responsible in his district for street cleaning, removal of garbage, and disinfection of all buildings; an officer, in other words, made responsible to the government commissioner in a department that is subject to no political influence. Such is proposed under the new law. I found the rural settlements of Porto Rico not now so clean as corresponding sections of Cuba and of the Isthmus of Panama.

For Porto Rico's industrial prosperity nothing is so needed as development of a commercial spirit among its people; for although the island business grows, and grows at a rate commendable, that is more on account of unexcelled rich land than because of progressive tillage. Therefore, the creation of a department of agriculture, commerce, and labor appears to be only wisdom. For the five years preceding 1898, the average business of the island, made up of imports and exports, amounted to $23,000,000; for the past five years—1905 to 1909, inclusive—the annual business has averaged $52,317,373; and the business of last year was $60,212,900, made up of $28,656,586 imports and $31,556 314 exports. This is a very handsome showing, taking into account the halting business system, and is more than sufficient answer as to Porto Rican prosperity since it became United States territory.

COALS TO NEWCASTLE.

But as to commercial spirit—well, judge for yourself—Porto Rico grows pineapples under as favorable commercial conditions, and as luscious, as may be raised anywhere on earth; yet I saw on sale in San Juan shops canned Hawaiian pineapple, bearing label: "The juciest pine apple grown." Need I say more as to lack of commercial spirit? But I can say more, and perhaps even emphasize the claim—the coffee of Porto Rico is judged by connoisseurs the very choicest of all grown in the New World, but Brazilian and other foreign coffees are to be found on the shelves of the island shops!

Now, practically all of Porto Rico is agricultural. In the sense that the people's livelihood comes from the soil, it is the most agricultural section of the New World. In the United States 38 per cent of the entire number of breadwinners are employed in agriculture or similar pursuits; in Cuba, 48 per cent; while in Porto Rico the percentage is 62; and the laboring classes of Porto Rico represent 68 per cent of the population. Thus it is evident that the proposed new department, which includes agriculture, must prove of the greatest service to the natives, for the direct road to the island's prosperity is in educating these people in a knowledge of the soil, from which a majority of them get their living. Already effort is making along these lines through establishment of an experiment station for determining how to increase the quantity and improve the quality of the milk of the cow, which here, as elsewhere in the Tropics, yields little or none.

Only by such practical measures of helping the natives to help themselves may permanent uplift result. To give the people the benefits of such experiments, to teach them how to get the most out of the soil, and to organize their activities on a more advanced business basis—these are the things that hold out promise of genuine industrial growth.

MUCH TO LEARN OF COFFEE.

Coffee is perhaps the most important to the people's prosperity, because it is the poor man's crop. Formerly he made a little planting of tobacco, and, with his fruit, did fairly well on his year's labor. The tobacco trust, however, has made life very difficult for the small tobacco grower; sugar is grown on a very large scale, and thus coffee only is left to the little fellow; but he has much to learn of its cultivation. For example, the yield in Brazil is from 700 to 800 pounds per acre; in San Salvador from 800 to 1,000; in Venezuela about 900; in Guatemala it is 800—the Porto Rico coffee grower gets 200 pounds to the acre, and this is no fault of the soil, either. Not only is he far below in his average yield, but is losing the small market he formerly had. Last year almost 14,000 acres less than the preceding year were planted; indeed, coffee production has been steadily decreasing for the past three years, hence it is essential to the island's prosperity that this field of the small planter be encouraged.

Porto Rico coffee—the equal of the best—is little known in the United States; so little that it commands no more than the cheap grades of the South and Central American berry. Sugar, the commercial mainstay of the island, requires improved methods of cultivation, despite exports of the last two years having jumped about $4,000,000 beyond the highest previous record. Putting the small planter out of business has lessened the output of leaf tobacco, yet a larger proportion of the crop than formerly was made into cigars on the island last year, thus increasing the exportation of manufactured tobacco. Of fruits—oranges, pineapples, grape fruit—all the equal of those grown elsewhere—the production and the export are far below what should be a natural increase, though pineapples took a big jump last year.

Porto Rico—the unexploited—the problems of whose governor and people are: (1) Increase of production per acre through improved methods of planting, cultivating, gathering; (2) organization on a business basis—packing, shipping, marketing, and, most important of all, standardizing the product. Without organization in this day of intense competition the fullest crops will not enrich the grower; without standardization the finest product on earth will fail of success. For these Governor Colton is striving, and when they are secured Porto Rico's harvest will be golden.

The United States annually imports over $600,000,000 worth of vegetables and over $22,000,000 worth of fruits, the foreign countries supplying it paying a duty of 25 per cent. Porto Rico, which can raise all of the fruits and many of the vegetables, is exempt from this duty. The appropriation last month of $25,000, "to be used for the improvement of business conditions and for securing markets for Porto Rican products," is the first indication of legislative awakening.

The recent act authorizing the government to use stamps on Porto Rican cigars as guaranty of their being made by healthy workmen and under sanitary conditions is also wise legislation, and should help greatly, because, no doubt, the island tobacco industry has suffered from lack of inspection and of government labeling to prevent fraudulent imitation. The genuine Porto Rican cigar gives the best smoke on the market for the money; a very good smoke, too, and at a very low cost.

So much for the commercial side of Porto Rico.

For the pleasure traveler, Porto Rico needs three things to make of it a veritable winter Mecca—a first-class hotel, improved steamer service, and a press agent. Tourists have not yet discovered it. When they do they will add a most enjoyable place to their itinerary and put much gold into local circulation. Considerably more inviting than Bermuda and Jamaica, it has a delightful climate and a charming interior country, which may be reached by roads equal to the very best of New Jersey, which means the best in America. And that the legislature intends to keep them up is evidenced by a late appropriation of half a million dollars with which to connect the main thoroughfare and build a coast road around the island. This means that Porto Rico will have a system of the best automobile roads reaching to its most delightful sections.

A WAVE OF EDUCATION.

Furthermore, appreciating the need of a hotel of the best class, the legislature has just voted to convey a site gratis to any company that will build one to cost not less than $300,000—the proposed site adjoining the famous old castle San Cristobal, and affording a magnificent view of sea and island.

Two plans I hope may eventuate are, one, the governor's pet idea of a boulevard along the sea at San Juan, and the other—the suggestion of Miss Colton, the governor's sister—for a national museum, in which may be gathered the interesting and important ethnological and other relics which are now scattered over the island and likely to be lost.

As for the educational side, I think I may best indicate, what amounts almost to a craze, by citing the experience of a village on the northeast coast—Fajardo. This little town has 5,000 inhabitants, a school building of 16 rooms, and 800 scholars. So great, however, is the educational clamor that a new building is projected to cost $17,000. Traveling through the island one comes frequently upon the humble rural schoolhouse with the American flag and bright-eyed humming children. The town schoolhouses are two-story, spacious, and extremely good-looking buildings.

Notwithstanding some agitation by the professional politicians, Porto Rico is happy and prosperous. Governor Colton's course with the native seems both fair and successful, one of the best expressions of which is the joint committee membership of the San Juan Union Club,

the leading club of the capital. San Juan itself is busy and clean and quaint as ever, despite evidence of street-name changing, which should be discouraged.

The four gentlemen who have expressed their dissatisfaction with this bill, and are apparently determined to be displeased with it no matter what form it assumes, were present when Mr. Roberto H. Todd, of San Juan, one of the spokesmen of the Porto Rican delegation, addressed the committee and took no exception to his remarks. In the course of his address the following occurred:

The CHAIRMAN. Let me ask you another question. We understand very clearly that you prefer a wholly elective senate?

Mr. TODD. Yes, sir.

The CHAIRMAN. But suppose we could not agree on that. Would you prefer that the administrative officers be withdrawn from the senate, and the senate made partially elective, as proposed in this bill, or would you prefer to have it as it is now, with the administrative officers drawn from the executive council and the whole body appointive?

Mr. TODD. Mr. Chairman, that is a hard question you have put to me. We come here to ask for certain amendments to this bill which would make it more acceptable to our people. Those amendments are principally collective citizenship and the wholly elective senate.

The CHAIRMAN. I am speaking now only of the senate.

Mr. TODD. I am going into that. If these amendments are introduced in the bill, we are ready to say, of course, that the bill is acceptable to the people. But if these two amendments are not going to be accepted, or either one of them, it is difficult to say if this bill will be acceptable to our people, and I must say it would not be.

The CHAIRMAN. I am not asking you about the whole bill, but just about the senate provision. Would you prefer to have it as it now is or as it is proposed to be in the bill?

Mr. TODD. No, sir. I do not believe with those who say that the executive council as it is composed to-day is a better body than the senate which is contemplated here. I believe that if you give us one of the senators elected by the people, that is better than what we have to-day. That is about the senate only.

Mr. JONES. What would you think of a proposition to add to that section a provision of this sort: That at the next following election six senators should be elected, and that at the election following that seven should be elected, and so on until the whole body became elective?

Mr. TODD. I think that would be very good, Mr. JONES, because, as I said before, if you only give us one elective, that would be a step forward.

The CHAIRMAN. Now, then, your position is this, that the bill as at present drawn is an advance over the present law?

Mr. TODD. In regard to the senate?

The CHAIRMAN. Yes. And the more you can get elective, the greater the advantage will be?

Mr. TODD. Yes, sir.

The CHAIRMAN. And a wholly elective senate is what you desire?

Mr. TODD. Yes, sir.

The CHAIRMAN. Now, if you had a collective citizenship and the advance that this bill already makes in the provision for the senate, would not the bill as a whole make a great advance toward the attainment of your desires?

Mr. TODD. I would say yes, because I consider as the most important matter for Porto Rico that of collective citizenship. * * *

Mr. FORNES. If that were granted you in the bill, you would accept that almost more than anything else, would you not—the right of American citizenship?

Mr. TODD. I would say yes. I think that that being one of the things that the Porto Ricans are asking for and have been asking for for so long, that they are willing, in order to prove their sincerity, to accept all other things if they can get American citizenship.

This bill as now amended gives them the American citizenship for which they have so long petitioned, and gives it to them collectively, as they desire. Under the Foraker Act the six heads of departments were all members of the upper legislative branch, constituting a majority thereof. By this bill they are all withdrawn from the senate. No administrative officer can sit in the senate under this bill. Under the Foraker Act the executive council or senate is wholly appointive. Under this bill five senators are at once to be elective, and the number is gradually increased until finally the whole body becomes elective. Under the Foraker Act franchises were granted by a body wholly appointive. Under this bill one-third of the body is to be elected by the people at large. This bill provides for a splendidly equipped health department, free from political interference and thus unhampered in the doing of its perfect work. This bill provides that certain judges, now elected, shall be made appointive and thus removed from that political influence which I have abundant evidence at hand to show has heretofore embarrassed them in the performance of their judicial duties.

These are some of the important features of the bill. I can not now discuss them all, running as they do through about 90 carefully prepared sections. I do not believe that any bill of like character ever presented to this House has been the subject of more extended and liberal hearings to all concerned, or of more conscientious, careful, painstaking labor on the part of a committee than has been given to this bill by the Committee on Insular Affairs.

We have divorced it as far as possible from all political or partisan considerations. Those of the minority, as well as those of the majority, have striven patriotically to present a measure which will be just and liberal to the people of Porto Rico and at the same time fair to the Government of the United States, which, in the eyes of the world, must now be held responsible for the failure or success of government in that island. No man can truthfully say that this bill as it now stands is not an advance from the Foraker Act in the way of giving to the Porto Ricans greater participation in government. No man can truthfully say that it will not afford them a better government than they have ever heretofore enjoyed. No intelligent Porto Rican, whose patriotism rises above mere personal or political interest, can fail to appreciate these facts, and welcome with loud and joyful acclaim the passage of this bill.

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

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

The Clerk read as follows:

SEC. 55. That for the purpose of elections hereafter to the senate the island of Porto Rico shall be divided into five senatorial districts, each of which districts shall consist of seven of the representative districts hereinbefore provided for, and the division into and demarcation of senatorial districts shall be made by the commission appointed by the governor under the preceding section of this act. Senatorial districts shall in every case be composed of seven representative districts, which shall be selected so that each senatorial district shall be composed of contiguous territory, and, so far as practicable, the division shall be made with reference to the topographical nature of the land with regard to roads and other means of communication and to natural barriers. Each of the senatorial districts shall be entitled to one elective member in the senate.

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

The Clerk read as follows:

Page 35, line 9, after the word "senate," insert:

"At each of the elections, when under the terms of this act six members of the senate are to be elected, the sixth member shall be elected by the qualified voters of Porto Rico at large. Thereafter the island shall from time to time be divided into as many convenient and contiguous districts as there are members of the senate to be elected. One member shall be elected from each district, and shall be a resident of the district from which he is elected."

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

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

The Clerk read as follows:

SEC. 56. That the next election in Porto Rico shall be held at the time and in the manner now provided by law, and there shall be chosen then senators and representatives as herein provided. Thereafter elections shall be held only on such days and under such regulations as to ballots and voting as may be prescribed by a board of elections to be composed of three persons appointed by the governor by and with the advice and consent of the senate of Porto Rico, and this board shall have and exercise all the powers and duties regarding ballots and elections heretofore conferred by law on the executive council. Thirty days' notice shall be given of such elections by publication in the official gazette, and by printed notices posted throughout the district.

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

The Clerk read as follows:

Page 35, strike out all after the words "prescribed by," in line 15, and insert in lieu thereof the words "the legislature of Porto Rico."

Mr. JONES. Mr. Chairman, this section provides that after the next election in Porto Rico elections shall be held annually on such days and under such regulations as to ballots and voting as may be prescribed by the board of elections.

Mr. OLMSTED. Mr. Chairman, if the gentleman from Virginia will permit me, I would suggest that there is no serious objection to his amendment.

Mr. JONES. Mr. Chairman, I am very glad that the gentleman concedes my amendment.

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

The amendment was agreed to.

The Clerk read as follows:

SEC. 57. That the terms of office of senators and representatives shall be four years from the first of the January following their election or appointment. In case of vacancy occurring through death or resignation or removal from any other cause of an appointive senator, the President may fill the vacancy, but such appointment shall hold only for the unexpired portion of the term wherein the vacancy occurred. In case of vacancy among the elective members of the senate or house of representatives, special elections may be held in the districts wherein such vacancy occurred under such regulations as may be prescribed by the board of elections, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

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

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Page 36, line 9, strike out the words "board of elections" and insert in lieu thereof the word "law," so as amended it shall read "prescribed by law."

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

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

The CHAIRMAN. The Commissioner from Porto Rico offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 57, page 36, line 3, by striking out the word "President" and inserting the word "governor," and by striking out lines 6 to 12, inclusive.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 60. That the regular sessions of the legislature of Porto Rico shall be biennial and shall not continue longer than sixty days: *Provided*, That the legislature may, by a majority vote of each house, continue the session for a period not exceeding thirty days, but without compensation to its members. The governor may call special sessions of the legislature or of the senate at any time when in his opinion the public service requires it, but no special session shall continue longer than ten days and no legislation shall be considered at such session other than that specified in the call.

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

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Section 60, page 37, line 7, strike out the word "biennial" and insert the word "annual."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 61. That the enacting clause of the laws shall be as to acts, "Be it enacted by the legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the legislature of Porto Rico." All bills and joint resolutions may originate in either house. The general appropriation bill may be prepared by the governor and shall be introduced as prepared or approved by him, but shall be subject to amendment as in the case of any other bill; no bill shall become a law unless it be passed in each house by a majority vote of all of the members belonging to such house and be approved by the governor within ten days thereafter. If when a bill that has been passed is presented to the governor for his signature, he approves the same, he shall sign it, or if not, he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider the bill. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the vote of each house shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall not be a law; but all laws enacted by the legislature of Porto Rico shall be reported to the Congress of the United States, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made an amount equal to the sums appropriated in the last appropriation bills for such purpose shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

Mr. OLMSTED. Mr. Chairman, I offer the following two amendments.

The CHAIRMAN. The gentleman from Pennsylvania offers amendments, which the Clerk will report.

The Clerk read as follows:

Page 38, line 7, after the word "journal," strike out down to and including the word "respectively," in line 15.

Also, page 38, line 20, after the word "shall," strike out the word "not," and after the word "law," in the same line, insert the words "if signed by the governor within ten days after receipt by him, or otherwise it shall not be a law."

The question was taken, and the amendments were agreed to.

Mr. LARRINAGA. Mr. Chairman, I offer another amendment, which I do not think will interfere with the amendment offered by the gentleman from Pennsylvania, although the two relate to the same matter.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 61, page 37, line 23, after the word "him," insert the words "within the first ten days of the session of the legislature."

Mr. LARRINAGA. Mr. Chairman, I believe this is a good amendment. It does not encroach upon the rights of the governor, but simply gives him a reasonable time within which to decide after the session of the legislature, and I believe the House ought to pass it.

Mr. OLMSTED. Mr. Chairman, I have no objection to that. I think it ought to be sent in early in the session. That is quite agreeable.

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

The Clerk read as follows:

SEC. 62. That from and after two years from the date of the approval of this act, no person shall be eligible for election or appointment to any office in Porto Rico under the Government of the United States or the government of Porto Rico who is not a citizen of the United States.

Mr. HUBBARD of Iowa. Mr. Chairman, I desire to offer the following committee amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 39, lines 6 and 7, after the word "that," strike out the words "from and after two years from the date of the approval of this act," and insert in lieu thereof the word "hereafter."

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

The Clerk read as follows:

SEC. 63. That after the general election of 1910 the qualified electors of Porto Rico for any elections whatsoever shall consist only of those citizens of the United States who, with such other qualifications as required by the laws of Porto Rico,

(*a*) Are able to read and write; or

(*b*) On the date of registration shall own taxable real estate in their own right or name, or who are on said date bona fide members of a firm or copartnership which owns taxable real estate in the name of such firm or copartnership; or

(*c*) On the date of registration shall possess and produce to the board of registration tax receipts showing the payment of any kind of taxes to an amount not less than $1.50 for the last preceding six months of the year in which the election is held.

Mr. LARRINAGA. Mr. Chairman, I want to present an amendment to that section—section 63.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 63 and insert the following:

"SEC. 63. That the qualified electors of Porto Rico after the general election of 1910 and for any election whatsoever shall consist of those citizens already registered as voters under the laws of Porto Rico, and of those that will be thereafter registered in accordance with the terms of this act and of the laws of Porto Rico.

"That after the approval of this act no person shall be allowed to register as a voter in Porto Rico who is not a citizen of the United States, over 21 years of age, and who is not able to read and write, or on the date of registration shall not own taxable real estate in their own right or name, either personally or as a bona fide member of a firm or copartnership."

Mr. LARRINAGA. Mr. Chairman, I believe this is a very reasonable amendment. The curtailing of the right of suffrage in Porto Rico in any way is a deathblow to those people. They have exercised that right for many years. As far back as the seventies they had full suffrage. Sometimes it was restricted, but when the liberal party in Spain came into power we had full suffrage again, and the purpose here in this amendment, Mr. Chairman, is that those who have had the right may keep it, as they have exercised it not only under the Spanish régime, but under the American régime during ten years, and have proved that they know how to make use of that sacred right, and I believe it will be a great injustice if this House would take that right from them.

Mr. MARTIN of Colorado. May I ask the gentleman a question?

Mr. LARRINAGA. Certainly; I yield with great pleasure.

Mr. MARTIN of Colorado. The amendment which you have just sent up to the desk has qualifications in it, has it not?

Mr. LARRINAGA. Yes.

Mr. MARTIN of Colorado. Why do you not leave all those qualifications out except citizenship?

Mr. LARRINAGA. If the gentleman would consider for a moment——

Mr. MARTIN of Colorado. Just let me question you further, in order to make my position a little clearer. You have sent up to the desk an amendment that requires that a proposed voter shall be able to read and write or shall own taxable real estate?

Mr. LARRINAGA. All those that are becoming of age after the approval of this act. Those that have the right now and have registered in the past elections would keep their right.

Mr. MARTIN of Colorado. But as I understand the section, as it stands in the act it will be more liberal than your proposed amendment.

Mr. LARRINAGA. No, sir.

Mr. MARTIN of Colorado. Because if a voter can produce a tax receipt showing the payment of taxes in the sum of $1.50 he would be entitled to vote. Is that in your amendment?

Mr. LARRINAGA. No, sir. What I propose is that every man that has had the right for ten years to vote shall not be deprived of it because he does not own enough property, or because he does not know how to read and write, or because he may have lost the property he had, as many of them have.

Mr. MARTIN of Colorado. I agree with the gentleman that any person who has heretofore enjoyed the right to vote in Porto Rico should not be subjected to these qualifications; but now proceed from that point.

Mr. LARRINAGA. Then it reads:

After the approval of this act no person shall be allowed to register as a voter in Porto Rico who is not a citizen of the United States, over 21 years of age, and who is not able to read and write, or on the date of registration shall not own taxable real estate in their own right or name, either personally or as a bona fide member of a firm or copartnership.

Mr. MARTIN of Colorado. Right at that point—the section as it stands in the bill enables any person to vote who may

produce a tax receipt showing he has paid taxes in the sum of $1.50.

Mr. LARRINAGA. Yes, sir.

Mr. MARTIN of Colorado. For the last preceding six months of the year in which the election is held. Now, it strikes me that there might be large numbers of citizens in Porto Rico who do not own real estate but who might own personal property upon which they would pay taxes in the sum of $1.50, and who would therefore be qualified to vote under the section as it stands in the bill, but would not be qualified under your amendment.

Mr. LARRINAGA. I will have to go back to what I said once before. And let me tell the gentleman that the $1.50 tax has been the greatest means of corruption in Porto Rico. You are going to corrupt the voters of Porto Rico by putting in the provision for that $1.50, which can be furnished by anybody. Our party claims to be the wealthy party; this might be supposed to favor us, but we reject it.

Mr. MARTIN of Colorado. I believe all these property qualifications ought to be stricken out of this law.

The CHAIRMAN. The time of the gentleman from Porto Rico [Mr. LARRINAGA] has expired.

Mr. GARRETT. Mr. Chairman, I would like to say a word or two about this amendment. In the course of my remarks during general debate I stated very explicitly that I would favor the principle of qualification on suffrage that is fixed in this bill. But I stated also that I felt inclined to support, or certainly would not object to, an amendment in the nature of the amendment which has just been offered by the gentleman from Porto Rico. Now, this is a matter of considerable importance to those people down there. Under the terms of the bill as proposed probably not exceeding 50 per cent of those who are now voters can vote. It is a right that they have enjoyed for a long time. Perhaps once during the Spanish régime, during 1870, possibly, there was a restriction placed upon suffrage, but it was shortly thereafter removed, and it is a right they have enjoyed for a long time. And while I favor the principle involved, yet I hesitate to say that a man who has enjoyed this right for such a long time shall be suddenly deprived of it. Now, I want to say this, that if gentlemen will take the trouble to look at the hearings and the testimony given before the committee on this subject, they will find this: The gentleman from Indiana [Mr. CRUMPACKER] was the acting chairman on the day that Mr. Cuchi, a representative of the house of delegates of Porto Rico, was discussing this question before the committee. The gentleman from Indiana asked me—and I am quoting from memory, for I have not the hearings here at hand. Mr. Cuchi was opposing this limitation of suffrage, and the gentleman from Indiana [Mr. CRUMPACKER] asked him what the attitude of the people there would be if we placed any such qualification as now placed by the amendment offered by the gentleman from Porto Rico. He responded there would be no objection to that. "I would favor that." Thereupon General Edwards, who was in the committee room, interrupted to say, "There is a very great deal to be said in favor of that, Mr. Chairman." Nothing further has developed about this. No good reason has been given why this should not be adopted, and I hope that the amendment of the gentleman from Porto Rico will be adopted.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to amend the amendment of the gentleman from Porto Rico by striking out all after the words "Porto Rico," in the first paragraph, and striking out the words "after the approval of the act," and so forth.

The CHAIRMAN. The gentleman moves an amendment to the amendment offered by the gentleman from Porto Rico, which the Clerk will report.

The Clerk read as follows:

Strike out all after the words "Porto Rico," in the first paragraph of the amendment.

Mr. WILSON of Pennsylvania. Mr. Chairman, the effect would be to leave the suffrage as it is now, which is practically manhood suffrage.

Mr. Chairman, I am opposed to any kind of property qualification for electors. I am in favor of manhood suffrage. I believe that every man who is required to live under the law of any country should have a voice in determining what those laws should be through his representative. There are several States, it is true, that have property qualifications and tax qualifications. Among those is the State of Pennsylvania. In the State of Pennsylvania a voter must have paid a state or county tax that has been assessed at least sixty days and paid at least thirty days before the election in order to be qualified to vote. Our experience under that provision in Pennsylvania has not been particularly good. It has been manipulated in our great centers of population so as to practically control the vote of those communities. There is no reason why a man who owns property should have any more right or title to exercise a franchise than a man who owns his own person.

Mr. COX of Indiana. Will the gentleman permit a question there?

Mr. WILSON of Pennsylvania. Certainly.

Mr. COX of Indiana. Speaking about the tax qualification being a perquisite to vote in Pennsylvania, now can the gentleman state in this line as to whether or not the people usually pay their taxes in order to get to exercise that right?

Mr. WILSON of Pennsylvania. To some extent we have overcome the difficulty in my State; but for years it worked in this manner, and unless it is safeguarded here it will work the same evil. It worked in this manner: The agents of the various political parties pay the state or county tax or poll tax in the State of Pennsylvania for that element that is known as the floating vote.

Mr. COX of Indiana. In order to get their vote.

Mr. WILSON of Pennsylvania. They paid the taxes and held the receipt. When that party came to the polls to vote, if he proposed to vote correctly, in accordance with the ideas of the party who held the receipt, no question was asked; but if not, then he was challenged on the ground that he had not paid his taxes. He could not swear in his vote, saying that he had paid them, because he had not; somebody else had done so. He could not furnish the receipt to show that he had paid them, because somebody else held the receipt. That is the manner in which it worked in Pennsylvania for years. But recently we have enacted legislation in Pennsylvania that has to a great extent overcome that difficulty.

Mr. COX of Indiana. Then, under the action of the law that the gentleman speaks of, the heads of these political parties would pay the taxes and hold the receipts without the knowledge of the voter?

Mr. WILSON of Pennsylvania. In the case I referred to, the voter did not know anything about the taxes being paid.

Mr. COX of Indiana. The heads of the political parties paid the taxes and held the receipts?

Mr. WILSON of Pennsylvania. The heads of the political parties paid the taxes and held the receipts; and if the voter should go to the polls he could not vote, because he had not paid his taxes and had not his receipt to show he had. Consequently he did not vote.

Mr. COX of Indiana. Hence he did not show the receipt?

Mr. WILSON of Pennsylvania. He did not have the receipt in his possession, and he could not show it, and therefore could not vote.

Mr. COX of Indiana. He could not make the affidavit that he had paid it himself?

Mr. WILSON of Pennsylvania. He could not make the affidavit that he had paid the taxes, and he did not have the receipt, and therefore he did not vote; and that is the reason that I offer that amendment.

Mr. HARDY. Mr. Chairman, I wish to say something in regard to the amendment offered by the gentleman from Pennsylvania. I do not believe in a property qualification in any case. I do not believe it is consistent with our theory of government.

Mr. GARRETT. Will the gentleman permit an inquiry?

Mr. HARDY. Yes, sir.

Mr. GARRETT. The amendment as proposed by the gentleman from Porto Rico is merely an alternative property qualification. It is put in for the reason that it is not believed that it is right that a large number of people, who have had no education, who can not read or write, but who own property, shall be cut out of their vote.

This does not involve the principle of fixing a property qualification for voting. The real principle fixed is an educational test, and the other is merely an alternative proposition.

Mr. JONES. An enabling proposition.

Mr. GARRETT. An enabling proposition. I agree with the gentleman in the idea that a property qualification is not right, but I do believe in an educational qualification.

Mr. HARDY. I prefer the amendment of the gentleman from Porto Rico to the bill as it stands; but when we call on a man to carry a musket, or bare his bosom to the bullets of the enemy, we never ask him whether he can read and write, or whether he owns property, and if he can not read, the fact that he may own a few dollars or many dollars' worth of property does not make him any more or any less entitled to vote. If he is an American citizen, free from crime, able to hold himself up as a citizen subject to the laws of his country and to bear her burdens, he ought to have some right to participate in the framing of her laws. I voice this now, because it is a deep

and strong sentiment with me. My idea is that the misfortune cast upon a man by Providence, or by his surroundings or conditions, under which he may not have had the opportunity to learn to read and write, ought not, nor ought his poverty, to deprive him of the last right of a freeman, the right to participate in his Government, and I want to say that one of the possible causes of anarchy and of communism in this Government may be such disfranchisement. Anything that tends to show the weak and the poor and the toiling that they are not recognized in this Government of ours will destroy their love for it. For one I am willing always to appeal to the free manhood of the country, to the man without crime, to the citizen who bears her burdens, and give him an equal opportunity in the administration of our laws.

I say this simply because I believe in manhood suffrage. The reading and writing qualification is not so important, because slight education at least will soon be universal, but the poor we have always with us and poverty is not a crime, nor should it be punished by disfranchisement.

Mr. DOUGLAS. That is what the gentleman has in his own State, is it?

Mr. HARDY. Very much to my regret, we have a property qualification to the extent of a poll tax, and then we have to hedge that about with all sorts of restrictions to prevent somebody paying the poll tax of the worthless individual whose vote he wants to buy. So that it is a crime in Texas for a man to borrow money with which to pay his poll tax.

Mr. COX of Indiana. Has not your poll tax materially added to the revenues of the State?

Mr. HARDY. I do not think there is any question that certain interests concerned in elections have contributed something to the treasury of the State, but I do not like that kind of money in our treasury. I fear that if a citizen is persuaded that his privilege of voting is one that he buys by paying a poll tax he may feel that he may sell it as rightly as he may pay for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania to the amendment offered by the gentleman from Porto Rico.

The question being taken, the amendment to the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, may we have the pending amendment again reported?

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment of Mr. LARRINAGA was again read.

Mr. PARSONS. I suggest to the gentleman from Porto Rico that he modify his amendment by changing "their" to "his."

Mr. LARRINAGA. The gentleman is correct. I ask to do that.

The CHAIRMAN. If there be no objection, the amendment will be modified as suggested.

There was no objection.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

SEC. 64. That the qualified electors of Porto Rico shall, at the general election in 1910, and every four years thereafter, choose a Resident Commissioner to the United States, whose term of office shall be four years, from the 4th of March following, and who shall be entitled to receive official recognition as such commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the governor of Porto Rico. The Resident Commissioner shall receive a salary, payable monthly by the United States, of $7,500 per annum. Such commissioner shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to Members of the House of Representatives of the United States; the sum of $500 as mileage for each session of the House of Representatives; and the franking privilege now enjoyed by Members of the House of Representatives. No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of Porto Rico and who is not more than 30 years of age, and who does not read and write the English language.

Mr. LARRINAGA. Mr. Chairman, I offer an amendment to that section.

The Clerk read as follows:

Section 64, page 40, line 5, strike out the word "a" and insert in lieu of it the word "two." In line 14, after the word "annum," insert the word "each." At the end of the section insert the following: "The Resident Commissioners shall be elected at large."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Porto Rico.

The question being taken, the amendment was rejected.

Mr. LARRINAGA. Mr. Chairman, I thought I had a right to explain my amendment, and I ask unanimous consent of the committee that I be allowed to do so and that the vote be vacated.

The CHAIRMAN. The gentleman from Porto Rico asks unanimous consent to explain his amendment. If there be no objection, he will be permitted to do so.

There was no objection.

Mr. LARRINAGA. If the members of this committee would listen to my argument on this amendment, I believe they would not refuse to pass it. I offer this amendment because of late our business with the United States has increased to such an extent that the work here in Washington is more than one Commissioner can do. As it has been repeatedly said on the floor of this House, Porto Rico is larger in area than 2 States of the Union and larger in population than 13 of them. I do not want to speak about the large amount that the Commissioner from Porto Rico has to do, for it would look like praising myself, and therefore I will put that aside. But let me tell you, gentlemen, that Porto Rico buys more from the United States than Hawaii or the Philippine Islands or Alaska. Small as we are, our business is increasing every day. The mail that I get is enormous. The demand is not only from Porto Rico, but people all over the United States, asking for information about the country. It may be said that the Territories have but one Delegate. I have heard that objection, but I do not think that is a very strong one, because you have in the colonies legislation entirely different. The Philippine Islands have two Commissioners.

Again, the distance of Porto Rico from the United States renders it possible that one of these men may be sick just at a critical moment. There is no trouble here in any Territory of the Union, because they are near at hand; but in the case of Porto Rico it is a very important matter. I therefore hope that the members of the committee will come to the relief of the poor Commissioner from Porto Rico who is going to take my place here and give him some help. The committee has been generous and has extended to him some other privileges. I believe, in this connection, that the committee has been generous, but I want the House to accept my amendment, which is a reasonable one, and vote for two Commissioners instead of one, so that the people of Porto Rico will be better served.

The Clerk began the reading of the next section.

Mr. JAMES. Mr. Chairman, I do not think the Chair heard the Commissioner from Porto Rico. He asked that the vote which was taken before the gentleman spoke be vacated, and he intended to call for a division and wanted to make an explanation and then let the vote be taken.

The CHAIRMAN. The Chair did not hear any such request.

Mr. JAMES. I heard it, and I knew the Chair did not hear it, because it was made in a low tone of voice.

The CHAIRMAN. The gentleman from Porto Rico asks unanimous consent that the vote upon his amendment be retaken. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Porto Rico.

The question was taken; and on a division (demanded by Mr. LARRINAGA) there were 29 ayes and 48 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 66. That all grants of franchises, rights, and privileges or concessions of a public or quasi public nature shall be made by a public-service commission, consisting of the attorney-general of Porto Rico, the treasurer, the auditor, the commissioner of the interior, and two others to be chosen by the senate, who shall be natives of Porto Rico and receive such per diem and other compensation as the senate shall determine. The said commission is also empowered and directed to discharge all the executive functions heretofore conferred by law upon the executive council not inconsistent with the provisions of this act, including the powers and duties prescribed by an act of the legislative assembly of Porto Rico entitled "An act concerning the regulation of public-service corporations in Porto Rico," approved March 12, 1908, and all amendments which may be or have been made thereto by the legislature of Porto Rico and including all the powers and duties heretofore exercised by the executive council with regard to all municipal loans and bonds, and advancements of insular funds to municipalities; and all franchises granted by the said commission shall be subject to the approval of the senate and the governor, and shall be reported to Congress, which hereby reserves the power to annul or modify the same. The commission may also authorize the sale and prescribe the terms thereof of any or all notes, bonds, or other evidences of indebtedness for loans made by the insular government, and upon approval by the governor the treasurer shall dispose of such securities and turn the proceeds thereof into the public treasury, for such expenditures as may be authorized by law, or to meet possible needs resulting from any catastrophe or emergency that may occur, upon the consent of the governor approved by the public-service commission.

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

The Clerk read as follows:

Page 41, line 22, after the word "be," strike out the words "chosen by the senate" and insert in lieu thereof the words "elected by the people."

The amendment was agreed to.

Mr. OLMSTED. Mr. Chairman, in line 11, page 42, after the word "municipality," I move to insert the words "and school boards."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 42, line 11, after the word "municipality," insert the words "and school boards."

The amendment was agreed to.

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

The Clerk read as follows:

Page 42, strike out all of lines 16 to 25, inclusive, and insert in lieu thereof the following:

"Whenever the legislature shall have authorized the borrowing of money or the creation of any indebtedness by the insular government, the commission may, within the authorization of the legislature, prescribe the terms of all notes, bonds, or other instruments to be issued as evidences of said indebtedness and the price or prices for which they shall be sold or disposed of. When the action of the commission in that regard shall have been approved by the governor, the treasurer shall dispose of such securities in pursuance thereof and turn the proceeds into the public treasury."

The amendment was agreed to.

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

The Clerk read as follows:

Section 66, page 41, strike out all in lines 20 and 21 to the word "interior" and insert "five members of the senate."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Porto Rico.

Mr. LARRINAGA. Mr. Chairman, this amendment, it will be clearly seen, does not need much explanation. The attorney-general of Porto Rico may be a very fine man, and so may the treasurer and the auditor and the commissioner of the interior, but these gentlemen, as a rule, will not know much about our conditions there. Why should they be allowed to go into Porto Rico and the next day be granting our property to somebody? We have had cases there that are very striking. One of these gentlemen had landed at 8 o'clock in the evening, and the next morning he was deciding with his vote such cases as that. I have heard the arguments of the gentleman from Indiana [Mr. CRUMPACKER] and the gentleman from Pennsylvania [Mr. OLMSTED] about the convenience of having those gentlemen come and teach us American methods and take us from our ignorance, and so forth, but I do not see that in this grant of franchises they can be supposed for a moment to know more than we do. Therefore, Mr. Chairman, I hope that the committee will pass my amendment, and instead of having the attorney-general of Porto Rico and the treasurer and the auditor and the commissioner of interior pass upon these things have five members of the senate do it.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 68. That no corporation shall be authorized to conduct the business of buying and selling real estate, or be permitted to hold or own real estate, except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation engaged in agriculture shall be restricted to the ownership and control of not to exceed 3,000 acres of land; and this provision shall be held to prevent any corporation engaged in agriculture from being in anywise interested in any other corporation engaged in agriculture. Any transaction, device, or contrivance the legal effect of which would be to vest in any corporation the ownership in or control of more than 3,000 acres of land shall not be effective as to the excess over the amount vesting such ownership or control of said 3,000 acres, and the excess acreage in question shall by virtue of such attempted purchase, contract, device, or contrivance escheat to the people of Porto Rico, which escheat shall be determined by a legal proceeding in the name of the people of Porto Rico, conducted in the United States district court for Porto Rico by the attorney-general, and any stock issued by a corporation for the purpose of obtaining, directly or indirectly, control of land in excess of 3,000 acres, as aforesaid, shall also escheat to the people of Porto Rico upon proceedings in the court and by the authority as above provided. Any corporations holding lands in excess of the 3,000-acre limit at the time this law goes into effect shall be required to dispose of the excess over and above 3,000 acres within a period of five years, and until they do so dispose of said excess the same shall be subject to a graduated increase in taxation, said excess being taxable, at the end of one year, at the rate of 50 per cent more than ordinary taxes as provided by law for similar property, and at the end of two years at twice said rate, and thereafter said rate of taxation on said excess shall annually increase at the rate of 50 per cent until the same is so disposed of. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of said loans, but shall dispose of the real estate so obtained, where the same would constitute an excess over 3,000 acres, within five years after such purchase, under like taxation penalties as aforesaid. Corporations not organized or residing in Porto Rico and doing business therein shall be bound by the provisions of this section. Whenever the excess over 3,000 acres herein referred to shall be a part of a tract or tracts of land the acquisition of which constitutes the excess in question, the acreage which shall be treated as such excess shall be segregated and set off by selection of the corporation interested. And in the event of its refusal or failure so to select, then the same shall be determined by the court which takes jurisdiction of the matter: *Provided,* That nothing herein shall invalidate the title to any lands acquired prior to April 12, 1900, or the title by will or inheritance to any lands the title to which was lawfully acquired prior to said date.

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

The Clerk read as follows:

Page 43, line 17, after the word "buying," strike out the word "and;" and after the word "selling," in the same line, insert the words "or leasing."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania also offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 43, line 21, after the word "ownership," strike out the word "and" and insert in lieu thereof the word "or;" and in line 22, after the word "control," insert the words "by lease or otherwise."

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

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

Mr. MADISON. Mr. Chairman, I offer the following amendment as a substitute for the section, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all of section 68 and insert the following as a substitute:

"SEC. 68. That no corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate, except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, but the ownership, lease, or cultivation of lands for the growth of sugar cane by a corporation organized for the manufacture or refining of sugar only shall not be construed as one of the purposes for which it was created.

"That every corporation engaged in agriculture shall be restricted to the ownership or control, by lease or otherwise, of not to exceed 3,000 acres of land, and it shall be unlawful for any corporation engaged in agriculture to be in anywise interested in any other corporation engaged in agriculture or for any member or stockholder of a corporation engaged in agriculture to hereafter acquire and hold any stock or interest of any kind in any other corporation engaged in agriculture.

"All persons or corporations hereafter holding stock in two or more corporations engaged in agriculture shall, within three months from the acquisition of stock in more than one of said corporations, dispose, in good faith, of their stock in all but one of said corporations, and upon the failure so to do, all of the stock held by them in said corporations shall escheat to the people of Porto Rico, which escheat shall be determined by legal proceedings in the name of the people of Porto Rico, conducted by the Attorney-General in the United States district court for Porto Rico or in the circuit court of the United States having jurisdiction of the persons of the defendants: *Provided,* That persons or corporations holding stock at the passage of this act, in two or more corporations engaged in agriculture, may retain the same, but upon acquisition by them of stock in any other corporation engaged in agriculture they shall dispose of such after-acquired stock within three months or the same shall escheat to the people of Porto Rico upon proceedings in the courts and by the authority as above provided.

"That no corporation shall be permitted to engage in agriculture except those created and organized under the laws of Porto Rico and those created and organized under the laws of other States or countries engaged in agriculture in Porto Rico at the passage of this act. Every corporation engaged in agriculture, except those foreign corporations engaged in agriculture at the passage of this act, shall maintain its general offices in Porto Rico and shall keep therein all the books and records of said corporation, and all stock of said corporation shall be transferable only upon the books of said corporation, and no transfer thereof shall be of any validity until so transferred; that all records of the issuance of stock or certificates thereof and of all assignments and transfers shall be open at all times to the inspection of the Attorney-General; that every corporation engaged in agriculture, not created under the laws of Porto Rico, shall maintain an office in Porto Rico in charge of some official of said corporation; that there shall be kept in said office a correct list of the names of all stockholders of said corporation, with the number of shares of stock owned by each and the date of the issuance or transfer of said shares to each stockholder, which list shall at all times be open to the inspection of the Attorney-General; that failure to maintain such office and failure to keep such list of stockholders, as provided in this section, shall be cause for forfeiture of charter or ouster of said corporation from Porto Rico.

"All contracts, agreements, and combinations between two or more corporations engaged in agriculture for the joint ownership, control, or cultivation by said corporations of more than 3,000 acres of land and all agreements, contracts, combinations, transactions, or devices by or between officers, agents, trustees, or stockholders of two or more of such corporations, the object of which is to secure the joint ownership or control by two or more of such corporations of more than 3,000 acres of land, are hereby declared to be unlawful, and all corporations and persons making, forming, or participating in the making or formation of such an unlawful agreement, contract, or combination, or engaging in any such unlawful transaction or device, are hereby declared to be guilty of a misdemeanor, and upon conviction shall be fined not less than $500 nor more than $10,000, and the corporation making or participating in or directly accepting the benefits of such an unlawful contract, agreement, combination, transaction, or device shall, if a domestic corporation, forfeit its charter, and if a foreign corporation be ousted from Porto Rico upon suit by the Attorney-General in any court of competent jurisdiction. Concurrent jurisdiction for the trial of the misdemeanor herein created and defined is hereby conferred upon the district courts of Porto Rico and the United States district court of Porto Rico.

"Any transaction, device, or contrivance, the legal effect of which would be to vest in any corporation ownership in or control of, by lease or otherwise, of more than 3,000 acres of land, shall not be effective as to the excess over the amount vesting such ownership or control of said 3,000 acres, and the excess acreage in question shall, by virtue of such attempted purchase, contract, device, or contrivance, escheat to the people of Porto Rico, which escheat shall be determined by a legal proceeding in the name of the people of Porto Rico, conducted in the United States court for Porto Rico, by the Attorney-General, and any stock

issued by a corporation for the purpose of obtaining, directly or indirectly, control of land in excess of 3,000 acres, as aforesaid, and any land hereafter purchased by any corporation in excess of the amount required to enable it to carry out the purposes for which it was created, shall also escheat to the people of Porto Rico upon proceedings in the court and by the authority as above provided. Any corporation engaged in agriculture or holding lands in excess of the 3,000-acre limit, and any corporation holding lands in excess of the amount required to enable it to carry out the purposes for which it was created, at the time this law goes into effect shall be required to dispose of the excess over and above the amount it may lawfully hold within a period of five years, and until they do dispose of the said excess the same shall be subject to a graduated increase in taxation, said excess being taxable at the end of one year at the rate of 50 per cent more than ordinary taxes as provided by law for similar property, and at the end of two years at twice said rate, and thereafter said rate of taxation on said excess shall annually increase at the rate of 50 per cent until the same is so disposed of. Corporations, however, may loan funds upon real estate security and purchase real estate when necessary for the collection of said loans, but shall dispose of the real estate so obtained, where the same would constitute an excess over 3,000 acres, within five years after such purchase, under like taxation penalties as aforesaid. Corporations not organized or residing in Porto Rico and doing business therein shall be bound by the provisions of this section. Whenever the excess over the amount which a corporation may lawfully hold shall be a part of a tract or tracts of lands, the acquisition of which constitutes the excess in question, the acreage which shall be treated as such excess shall be segregated and set off by selection of the corporation interested; and in the event of its refusal or failure so to select, then the same shall be determined by the court which takes jurisdiction of the matter: *Provided*, That nothing herein shall invalidate the title to any lands acquired prior to April 12, 1900, or the title by will or inheritance to any lands the title to which was lawfully acquired prior to said date: *Provided further*, That corporations engaged in agriculture may take leases on land in excess of the 3,000-acre limit prescribed herein, if the said leases do not exceed a term of five years."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

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

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent to read sections 69 to 87, inclusive, as one section, it all relating to one subject.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to read sections 69 to 87, inclusive.

Mr. JONES. Mr. Chairman, before that request is submitted I want to offer another amendment to section 68, page 43, in line 22. I want in place of the words "three thousand" to insert "five hundred." I do not care to discuss the amendment, as I discussed it at length before.

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

The Clerk read as follows:

Page 43, line 22, strike out "three thousand" and insert "five hundred."

Mr. OLMSTED. That has already been stricken out of the bill.

Mr. CRUMPACKER. There was a substitute offered for section 68, and it is too late to amend the substitute.

Mr. JONES. Mr. Chairman, I did not understand, as I did not listen very carefully, that we had stricken out those words.

Mr. CRUMPACKER. There was a substitute offered for the whole section and the substitute contained the same limitation of three thousand, and of course the time to amend the substitute was before it was agreed to.

Mr. JONES. It was my purpose to offer it to the substitute, but I do not care sufficiently about it, Mr. Chairman, to ask to return to it.

The CHAIRMAN. Then without objection the amendment will be considered as withdrawn. [After a pause.] The Chair hears no objection. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent that sections 69 to 87, inclusive, may be read prior to the offering of any amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 69. That the judicial power shall be vested in the courts and tribunals of Porto Rico as already established and in operation under and by virtue of existing laws. The jurisdiction of said courts and the form of procedure in them, and the various officers and attachés thereof shall also continue to be as now provided until otherwise provided by law: *Provided, however*, That the chief justice and associate justices of the supreme court, and the marshal thereof, shall be appointed by the President by and with the advice and consent of the Senate, and the legislature of Porto Rico shall have authority, from time to time as it may see fit, not inconsistent with this act, to organize, modify, or rearrange the courts and their jurisdiction and procedure, except the district court of the United States for Porto Rico.

SEC. 70. That Porto Rico shall constitute a judicial district to be called "The district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge and a district attorney and a marshal for said district, each for a term of four years unless sooner removed by the President. The district court for said district shall be called "The district court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such court shall have jurisdiction of all cases cognizable in the district and circuit courts of the United States, and shall proceed in the same manner; and in addition shall have jurisdiction for the naturalization of aliens, and for the naturalization of citizens of Porto Rico as herein prescribed, and shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign state or states, or citizens of the United States whose domicile is not in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $2,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount, and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid: *Provided*, That nothing in this act shall be deemed to impair the jurisdiction of the district court of the United States for Porto Rico to hear and determine all controversies pending in said court at the date of the approval of this act: *Provided further*, That hereafter the salaries of the judge and officials of the district court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts.

SEC. 71. That the laws of the United States relating to appeals, writs of error, and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States, shall govern in such matters and proceedings as between the district court of the United States and the courts of Porto Rico. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language. The said district court shall be attached to and included in the second circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district or circuit court to a circuit court of appeals of the United States.

SEC. 72. That writs of error and appeals from the final decisions of the supreme court of Porto Rico and the district court of the United States for Porto Rico shall be allowed, and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of Territories of the United States and from the circuit and district courts of the United States, respectively, and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an act of Congress, is brought in question and the right claimed thereunder is denied. All such proceedings in the Supreme Court of the United States shall be conducted in the English language.

SEC. 73. That the qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the district court of the United States for Porto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of 21 years, and not over 65 years, a resident of Porto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror, and after one year from and after the approval of this act they shall also be citizens of the United States. Juries for the said court shall be selected and drawn in accordance with the laws of Congress regulating the same in United States courts, but exemption from jury duty allowed by the local laws shall be respected by the court when insisted upon by veniremen.

SEC. 74. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States if collected and paid into the district court of the United States for Porto Rico.

SEC. 75. That the Attorney-General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the United States district court, including the clerk and interpreter, the same to be paid by the United States as other salaries and expenses of like character in United States courts.

SEC. 76. That jurors and witnesses in the district court of the United States for Porto Rico shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance and 10 cents for each mile over any railway in going to and returning from said courts. But no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof. Such jurors shall be paid $2 per day, and such witnesses $1 per day, while in attendance upon the court.

SEC. 77. That the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district courts of the United States.

SEC. 78. That hereafter all judges of courts now established or that may hereafter be established in Porto Rico, and whose appointment by the President is not provided for by law, shall be appointed by the governor by and with the advice and consent of the senate of Porto Rico.

SEC. 79. That except as in this act otherwise provided, the salaries of all the officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of Porto Rico, as shall from time to time be determined by the senate of Porto Rico and approved by the governor, and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico appointed as herein provided by the President shall also be paid out of the revenues of Porto Rico, on warrant of the auditor, countersigned by the governor. The annual salaries of the officials appointed by the President and so to be paid shall be as follows: The governor, $10,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental; attorney-general, $5,000; treasurer, $5,000; auditor, $5,000; commissioner of the interior, $5,000; commissioner of education, $5,000; commissioner of agriculture, commerce, and labor, when that department shall be created as authorized by this act, $5,000; commissioner of health, $5,000; chief justice of the supreme court, $6,000; associate justices of the supreme court, $5,500 each; marshal of the supreme court, $3,000; United States district judges, $5,500 each; United States attorney, $3,500; United States marshal, $3,500.

Where any officer whose salary is fixed by this act is required to give a bond, the premium thereof shall be paid from the insular treasury.

SEC. 80. That the provisions of the foregoing section shall not apply to municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses in-

curred by the municipalities, shall be paid out of the municipal revenues, in such manner as the legislature shall provide.

SEC. 81. That wherever in this act officers of the government are provided for under the same names as in the heretofore existing acts of Congress affecting Porto Rico, the present incumbents of those offices shall continue in office in accordance with the terms and at the salaries prescribed by this act. The office of secretary of Porto Rico is hereby abolished. Authority is given to the respective appointing authorities to appoint and commission persons to fill the new offices created by this act. All powers and duties now imposed by law on the president of the executive council shall, after the organization of the senate of Porto Rico as herein provided, be performed by the presiding officer of the senate.

SEC. 82. That the police department shall continue to be under the direct authority of the governor of Porto Rico, the general plan of organization thereof being as at present provided by law and so to continue until otherwise provided.

SEC. 83. That any bureau or office belonging to any of the regular departments of the government, or hereafter created, or not assigned, may be transferred or assigned to any department by the governor upon the approval of the President of the United States.

SEC. 84. That there is hereby transferred to the commissioner of the interior all of the administrative and executive powers and duties conferred upon the executive council by the public irrigation law of Porto Rico approved September 18, 1908, and the act approved on the same date, authorizing the issuance of bonds for the construction of an irrigation system, together with any and all amendments to either of said acts.

SEC. 85. That deeds and other instruments affecting land situate in the District of Columbia, or any other Territory of the United States, may be acknowledged in Porto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary shall be accompanied by the certificate of the attorney-general of Porto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer.

SEC. 86. That nothing in this act shall be deemed to impair or interrupt the jurisdiction of existing courts over matters pending therein upon the approval of this act, which jurisdiction is in all respects hereby continued, the purpose of this act being to preserve the integrity of all of said courts and their jurisdiction until otherwise provided by law, except as in this act otherwise specifically provided.

SEC. 87. That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and for the purpose of fulfilling its functions as the upper house of the legislative assembly and for action upon appointments by the governor and for all other necessary purposes the executive council shall, until the assembly and organization of the legislature of Porto Rico as herein provided, consist of the attorney-general, the treasurer, the auditor, the commissioner of the interior, the commissioner of education, and the commissioner of health, and the five additional members as now provided by law. And any functions herein assigned to the senate of Porto Rico may, until the said senate has assembled and organized, as herein provided, be exercised by the executive council as thus constituted.

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

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, lines 1 and 2, after the word "aliens," strike out the words "and for the naturalization of citizens of Porto Rico as herein prescribed."

Page 47, line 6, after the word "States," insert the words "or a State, Territory, or District thereof, or Territory under the jurisdiction thereof."

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

Mr. OLMSTED. I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 20, after the word "courts," insert:

"In case of the death, absence, or other legal disability on the part of the judge of the said 'the district court of the United States for Porto Rico,' the President is authorized to designate one of the judges of the supreme court of Porto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court, without extra compensation."

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

Mr. OLMSTED. I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 9, after the word "the" where it appears the first time, strike out the word "second" and insert in lieu thereof the word "third." On page 49, lines 10 and 11, strike out the words "and after one year from and after the approval of this act."

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

Mr. OLMSTED. I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 1, after the word "including," strike out the word "the," and after the word "clerk," in the same line, insert the word "stenographer."

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

Mr. GARRETT. May I ask the gentleman if that ought not to be even broader than that, so as to include deputies?

Mr. OLMSTED. I think it is very proper.

Mr. GARRETT. I suggest this language, "including the clerk, his deputies," and then, after "interpreter," insert "stenographer and other officials and employees."

Mr. OLMSTED. That is all right.

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

Mr. OLMSTED. Mr. Chairman, I offer the following amendments, one at a time.

Mr. GARRETT. Which amendment was adopted? I suggested an amendment to the amendment offered by the gentleman from Pennsylvania, which he has accepted, which would make it read:

Line 1, page 50, after the word "clerk," insert "his deputies;" and after the word "interpreter," insert "stenographer, and other officials and employees."

The CHAIRMAN. The question is on the amendment as modified.

Mr. MANN. Mr. Chairman, I would like to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment so that it will read:

"Page 50, line 1, after the word 'clerk,' insert 'his deputies;' and after the word 'interpreter,' the words 'stenographer, and other officials and employees,' and strike out the word 'and' between the words 'clerk' and 'interpreter.'"

Mr. MADDEN. Do you make the clerks and deputies, and all that, officials?

Mr. GARRETT. Yes.

The CHAIRMAN. The Clerk will report the paragraph as amended.

The Clerk read as follows:

So that line 1, page 50, will read:

"Including the clerk, his deputies, interpreter, stenographer, and other officials and employees."

Mr. GARRETT. The section is the one that authorizes the Attorney-General of the United States to determine the salaries of the officials and assistants appointed by the United States district court, including his clerk, deputies, and so forth.

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

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

Mr. OLMSTED. Mr. Chairman, I desire to offer the amendments which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers amendments, which the Clerk will report.

The Clerk read as follows:

Page 52, lines 4 and 5, after the word "judges," strike out the words "five thousand five hundred dollars each" and insert in lieu thereof the words "six thousand dollars;" also in line 4 strike out the letter "s" in the word "judges."

Also:

Page 52, line 10, after the word "treasury," insert the words "except upon bonds of officers of United States courts."

Also:

Page 49, lines 10 and 11, strike out the words "after one year from and after the approval of this act."

The CHAIRMAN. If there be no objection, the Chair will put the question covering all these several amendments.

The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. OLMSTED. Mr. Chairman, I offer the following amendments:

Page 55, after line 5, insert:

SEC. 88. That the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Porto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries, except that on all coffee, in bean or ground, imported into Porto Rico there shall be levied and collected a duty of 5 cents per pound, any law or part of law to the contrary notwithstanding.

SEC. 89. That all merchandise and articles coming into the United States from Porto Rico and all merchandise and articles coming into Porto Rico from the United States, except coffee, shall be entered at the several ports of entry free of all tariff duties: *Provided*, That on all articles of merchandise of United States manufacture coming into Porto Rico there shall be paid a sum equal in rate and amount to the internal-revenue tax imposed in Porto Rico upon like articles of Porto Rican manufacture.

SEC. 90. That the Secretary of the Treasury of the United States shall designate the several ports and subports of entry in Porto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the customs, duties, and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of this act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions hereof.

SEC. 91. That the duties and taxes collected in Porto Rico in pursuance of the provisions of this act shall, less the cost of collecting the same, be paid into the treasury of Porto Rico, to be expended as required by law for the government and benefit thereof.

Mr. OLMSTED. Mr. Chairman, I state for the benefit of the gentleman from New York that, simply for the purpose of convenience, we insert the provisions of the Foraker Act, so that all matters as to the law relating to Porto Rico may be embraced in this one organic act.

Mr. PAYNE. Mr. Chairman, I make the point of order that that amendment, being a tariff provision, is not germane to this

bill. The committee has no jurisdiction of any revenue measure, and they could not report a bill to which this may be germane.

Mr. JONES. Mr. Chairman, I would like to ask the gentleman from New York if he does not believe that turn about is fair play. When we passed the organic act under which the people of Porto Rico are now living, he will remember that it was a Senate amendment to a revenue bill which came from his committee. Now, I do not see why an amendment relating to revenue might not be put upon an act for a civil government, if an amendment providing for a civil government can be put upon a revenue bill.

Mr. PAYNE. That was done in a place where they had no rules.

Mr. OLMSTED. The Committee on Ways and Means?

Mr. PAYNE. No; I am not permitted under parliamentary law to state where it was.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard upon the point of order?

Mr. GARRETT. Mr. Chairman, it does not change existing law.

Mr. OLMSTED. I do not care to discuss the point of order; it is too clear.

The CHAIRMAN. The amendment affects revenue legislation, and the gentleman from New York makes the point of order against it. The Committee on Insular Affairs derives its authority under Rule XI, paragraph 18, which reads:

To all matters (excepting those affecting the revenue and the appropriations) pertaining to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba—to the Committee on Insular Affairs.

The Chair sustains the point of order.

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

The Clerk read as follows:

Strike out section 88 and insert in lieu thereof the following:
"SEC. 88. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this act and including the laws relating to tariff, customs, and duties on importation into Porto Rico prescribed by the act of Congress entitled 'An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,' approved April 12, 1900, are hereby continued in force and effect."

Mr. PAYNE. I think that is subject to the same point of order.

Mr. OLMSTED. I hope the gentleman will not delay us with these technical points of order.

Mr. PAYNE. I hope the gentleman will ask unanimous consent for five legislative days to file amendments that may be considered as part of this bill.

Mr. MANN. I would like to make the suggestion that this is not an amendment that comes from the Committee on Insular Affairs. This is an amendment offered on the floor of this committee. It is germane to the provisions of this bill, which undertakes to provide a civil government for Porto Rico; and while the Committee on Insular Affairs might not have had jurisdiction of a bill which had been introduced into the House, because under the rules that would have to be referred to the Committee on Ways and Means, no such question is pending here.

Mr. PARSONS. Allow me to suggest to the gentleman that the first bill that was introduced did touch on these matters, and it was referred to the Committee on Insular Affairs.

Mr. MANN. Very well.

Mr. PAYNE. That does not give them jurisdiction.

Mr. MANN. They would have jurisdiction to report any such bill referred to them. The rule has no reference to the report. Now, here is a proposition offered on the floor of the House, and it is germane. The same point of order could be made on 40 pages of this bill. Certainly it is germane to the general provisions of the bill. The bill is to provide a civil government for Porto Rico, and the question of extending existing tariff laws is a part of providing civil government for Porto Rico.

Mr. OLMSTED. Mr. Chairman, I offered the prior amendment as a committee amendment. This amendment I have offered as an individual Member of the House and not by authority of any committee. It is germane to the bill. I know of no rule which requires a germane amendment offered upon the floor of the House to be referred to the Committee on Ways and Means or any other committee. It seems to me that the suggestions of the gentleman from Illinois are proper, are well timed, and highly commendable.

The CHAIRMAN. As the Chair reads this amendment, it is simply a continuance in force of the provisions of law already in existence relating to the government of Porto Rico, and insures them against being changed by the provisions of this bill. It seems to the Chair, therefore, that the amendment is germane, and the Chair overrules the point of order.

Mr. PAYNE. I want to make one remark. This is serious business. This amendment does not appear to have been considered by anybody, not even by the gentleman from Pennsylvania [Mr. OLMSTED]. As I understand it, it goes to the extent of reenacting all revenue measures in the original so-called Foraker Act, and that act provided for a two-year tariff, and things of that kind. I do not know whether this language is broad enough to cover that or not, but I do think it is a very loose and dangerous method of trying to legislate, by reenacting an entire act without prescribing the terms of what is reenacted. I do not remember how that act read, or how that provision came in, but there is danger, if you keep fooling with this thing in this way, of reenacting that tariff that existed for two years.

Mr. MANN. Will the gentleman yield for a question? Is not this really a mere matter of whether we now say that we are not repealing any of the existing tariff laws?

Mr. PAYNE. Why do you not put it in that form, if it is?

Mr. MANN. It is a mere matter of choice as to form. I rather think this puts it in better form, but that is the effect of it.

Mr. PAYNE. No; it is reenacting it.

Mr. OLMSTED. No; continuing it.

Mr. MANN. There is no difference between reenacting a law that is in force and saying that you do not repeal a law that is in force.

Mr. MADISON. Simply preserving the status quo.

Mr. PAYNE. It reenacts what is in force and what is not in force.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The question being taken, the amendment was agreed to.

Mr. JONES. Mr. Chairman, I desire to offer one amendment, to which I wish to call the attention of the chairman of the committee [Mr. OLMSTED].

I think this bill has been greatly improved by the amendments which have been adopted already, and I believe that if this slight amendment which I now offer is adopted the bill will be infinitely better than I ever had any idea it would be.

I move to strike out the word "senate," in line 5, on page 51, and insert in lieu thereof the word "legislature."

The Clerk read as follows:

Page 51, line 5, strike out "senate" and insert "legislature."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. OLMSTED. I ask for a division on that. I did not understand that the vote was being taken. I did not hear it read. I should like to hear it reported again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again reported.

Mr. JONES. I will say to the chairman of the committee that this section provides that the salaries of all the officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be paid out of the revenues of Porto Rico, and shall be such as shall from time to time be determined by the senate of Porto Rico. I propose that they shall be fixed by the legislature of Porto Rico, and not by the senate. After providing that these salaries shall be determined by the senate, it is further provided as follows:

And if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor.

I can not understand why the senate should be empowered to fix salaries which the legislature is required to provide means for paying. If the legislature must provide the money with which to pay all salaries, it might at least be permitted to fix those salaries, and I hope the gentleman in charge of this bill will accept my amendment, the justice of which must be apparent to everybody.

Mr. OLMSTED. Mr. Chairman, as the law now stands, these salaries are fixed by the executive council, all of whom are appointed by the President. This bill provides that the salaries are to be fixed by the senate, which is to be partly appointive and partly elective, and by gradual degrees become wholly elective, so that the people of Porto Rico will have a larger participation in fixing these salaries than they have under the present law.

Mr. JONES. I understand that perfectly; but because a law that this bill is designed to supersede provides that the salaries shall be fixed by an executive council, which it is now proposed to abolish, I can not see why we should now provide that they be fixed by the senate. I think it was because the gentleman desired to improve the provision in the present law that he provided that these salaries should be fixed by the senate, but I hope he will see the propriety of having them fixed by the legislature and not by the senate. That would be a substantial improvement upon the present law. Just because they are now fixed by the executive council surely is not a sound reason for contending that they should hereafter be fixed by the senate.

Surely there is no reason why the legislature might not be intrusted to fix them. They relate to Porto Rican officials who are not appointed by the President, and the legislature can be trusted to see that they are properly paid.

Mr. OLMSTED. This bill is a step forward. The salaries are now fixed by a body wholly appointive, and this leaves it to a senate that is only partly appointive and partly elective. I hope the gentleman will not insist on his amendment.

Mr. JAMES. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. JAMES. Who pays these salaries?

Mr. OLMSTED. They are paid out of the treasury of Porto Rico.

Mr. JAMES. Of course then they are paid by the people of Porto Rico.

Mr. OLMSTED. As a matter of fact, they are paid out of the excise taxes and the internal revenues which they collect, but which if collected in Kentucky would go into the Federal Treasury.

Mr. JAMES. But they are paid by the people of Porto Rico.

Mr. PARSONS. No; two-thirds of them are paid out of money which otherwise would go into the Federal Treasury.

Mr. JAMES. But the revenues to that extent come out of the people of Porto Rico.

Mr. PARSONS. Two-thirds of the revenues come from customs duties and from internal revenue turned back to the treasury of Porto Rico.

Mr. JAMES. But this money would remain in the treasury of Porto Rico if not appropriated by the legislature.

Mr. PARSONS. Yes; but it would go to the Federal Government if we were not so very generous to Porto Rico.

Mr. JAMES. But you are very generous according to that, and you allow the money to remain in the treasury of Porto Rico which is paid by that people. Now, why should not the legislature, which is elected by and responsible to the people of Porto Rico, appropriate the money out of their own treasury, fixing the salaries of their own employees?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. OLMSTED) there were 28 ayes and 41 noes.

So the amendment was rejected.

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

The Clerk read as follows:

Line 19, page 50, after the words "United States," strike out the period and insert a comma, and insert the following language:
"The district courts may grant mandamus in all proper cases."

Mr. GARRETT. Mr. Chairman, my information is that the district court now has not the power to grant a mandamus.

Mr. OLMSTED. There is no objection to that.

The amendment was agreed to.

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

The Clerk read as follows:

Section 70, page 47, line 8, beginning with the word "and" strike out all down to and including the word "aforesaid," in line 12.

Mr. LARRINAGA. Mr. Chairman, the lines I propose to strike out read like this:

And of all controversies in which there is a separable controversy involving such jurisdictional amount, and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid.

I fear, Mr. Chairman, that this provision is going to cause great and serious difficulties. I have been told that such a provision in the law holds here in the United States, but conditions are different, Mr. Chairman, in Porto Rico. There are foreigners of every nation; there are the Porto Ricans, who reside in the island, and there are Americans, who do business there and reside here. So in every one of these cases a controversy is going to arise every time that there is one of these cases.

And we are going to have every day cases in which a separable controversy may be claimed by one or more of the interested parties. The first difficulty is going to be which is the court that has jurisdiction to pass on the point whether there is a separable controversy or not. Then comes the difficulty that may arise after the controversy has been separated, from one court deciding in a different way from the other court. Therefore the argument that such is the law in this country does not hold, because, as I have stated before, conditions are entirely different in Porto Rico from what they are here.

Mr. OLMSTED. Mr. Chairman, if the gentleman from Porto Rico was as good a lawyer as he is an engineer he would know that that is a question that is determined in every federal court in every State in this Union. It is the law wherever there is a federal court.

Mr. LARRINAGA. Well, the conditions there are very different.

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

The question was taken, and the amendment was rejected.

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

The Clerk read as follows:

Section 79, page 52, line 7, after the word "dollars," insert the following:
"*Provided*, That no officer of the government, except the governor, shall use for private residence any of the public buildings of Porto Rico."

Mr. LARRINAGA. Mr. Chairman, I believe this amendment does not require an explanation. We want to surround the governor of Porto Rico with all of the dignity and comfort that that high office requires. You have heard me here in favor of the amendment putting in the hands of the governor of Porto Rico the right to designate the person who would take his place when he came here on a leave of absence or through any other cause has to leave his office temporarily. The gentlemen of the committee must have noticed that the salary of the governor has been increased $2,000 a year. I am in favor of that amendment. I am glad that it is in the bill. We do not want cheap people, but people who are broad minded and competent, who can leave an office of consideration and dignity here and go there, and be above everybody and everything, and represent the United States in a proper manner, but I do not want any official coming from some corner of the United States, as has been the case sometimes, and live in a public building of the people of Porto Rico without paying for it and, perhaps, having light and everything else, when we could derive some revenue from those buildings.

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

The question was taken, and the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 23000, the Porto Rican civil government bill, and had instructed him to report the same to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. OLMSTED. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the vote will be taken on the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

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

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. ASHBROOK to withdraw from the files of the House, without leaving copies, the papers in the case of Harry A. Bishop, Sixtieth Congress, no adverse report having been made thereon.

DEMON S. DECKER.

The SPEAKER laid before the House from the Speaker's table the bill (H. R. 23388) for the relief of Demon S. Decker, with Senate amendments thereto.

The Senate amendments were read.

Mr. BRADLEY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

UNITED STATES COURTS AT CHILLICOTHE, MO.

The SPEAKER laid before the House the bill (H. R. 23094) to provide for sittings of the United States circuit and district courts for the western division of the western judicial district of Missouri at the city of Chillicothe, in said district, with Senate amendments thereto.

The Senate amendments were read.

Mr. RUCKER of Missouri. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

UNITED STATES COURTS AT ROLLA, MO.

The Speaker laid before the House the bill (H. R. 21219) to provide for sittings of the United States circuit and district courts of the eastern division of the eastern judicial district of Missouri at the city of Rolla in said district, with Senate amendments thereto.

The Senate amendments were read.

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

The motion was agreed to.

ENROLLED BILLS SIGNED.

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

H. R. 22643. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes;

H. R. 17871. An act to amend an act entitled "An act to incorporate Saint Vincent's Orphan Asylum, in the District of Columbia," approved February 25, 1831; and

H. R. 24877. An act to authorize additional aids to navigation in the Light-House Establishment, and to provide for a Bureau of Light-Houses in the Department of Commerce and Labor, and for other purposes.

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

S. 6073. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

S. 7229. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

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. 4199. An act to increase the limit of the cost of the United States post-office and court-house at Colorado Springs, Col.—to the Committee on Public Buildings and Grounds.

ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 6 o'clock and 17 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the chairman of the Immigration Commission, transmitting a report on immigrants in industries, was taken from the Speaker's table, referred to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. YOUNG of Michigan, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24212) to amend section 4875 of the Revised Statutes to provide a compensation of $100 per month, with fuel and quarters, for the superintendent of the Arlington (Va.) National Cemetery, reported the same with amendment, accompanied by a report (No. 1595), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 229) authorizing the Secretary of War to loan certain tents, etc., reported the same without amendment, accompanied by a report (No. 1596), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TIRRELL, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5836) to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis, reported the same with amendment, accompanied by a report (No. 1591), which said bill and report were referred to the House Calendar.

Mr. DENBY, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 6877) to amend an act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, reported the same without amendment, accompanied by a report (No. 1592), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21220) transferring Maries County to the eastern division of the eastern judicial district of Missouri, reported the same without amendment, accompanied by a report (No. 1593), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 26458) to authorize the construction of a dam, with gate, on the Olalla Slough, in Lincoln County, Oreg., reported the same with amendment, accompanied by a report (No. 1594), which said bill and report were referred to the House Calendar.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 20487) to reorganize the eastern judicial district of Arkansas, and for other purposes, reported the same with amendment, accompanied by a report (No. 1599), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

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

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12737) for the relief of Winfield Scott Usher, reported the same with amendment, accompanied by a report (No. 1589), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1119) to authorize the appointment of Frank de L. Carrington as a major on the retired list of the United States Army, reported the same without amendment, accompanied by a report (No. 1590), which said bill and report were referred to the Private Calendar.

Mr. ENGLEBRIGHT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 24153) for the relief of John Marshall, reported the same without amendment, accompanied by a report (No. 1597), which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 10551) for the relief of the owners of the steamship *Esparta*, reported in lieu thereof a resolution (H. Res. 802) referring said bill to the Court of Claims for a finding of fact under the provisions of the Tucker Act, accompanied by a report (No. 1598), which said bill and report were referred to the Private Calendar.

Mr. BYRD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 25569) to authorize a patent to be issued to Margaret Padgett for certain public lands therein described, reported the same with amendment, accompanied by a report (No. 1600), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 26770) granting a pension to Alice Henry, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. THOMAS of Ohio: A bill (H. R. 26866) to incorporate the McKinley National Memorial Association—to the Committee on the Judiciary.

By Mr. FOSS of Illinois: A bill (H. R. 26867) for the relief of certain officers on the retired list of the United States Navy—to the Committee on Naval Affairs.

By Mr. MADDEN: A bill (H. R. 26868) to authorize the Columbia Power and Electric Company to construct a dam across Clarks Fork of the Columbia River—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: A bill (H. R. 26869) to provide for the erection of a memorial to commemorate the patriotism, the services, and sacrifices of the loyal women of the United States to the cause of the Union during the war of the rebellion—to the Committee on the Library.

By Mr. SMALL: A bill (H. R. 26896) authorizing the establishment of experimental parcel post, limited to the delivery limits of rural routes—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMMONS: A bill (H. R. 26897) to provide for the introduction of foreign nursery stock by permit only, and to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect—to the Committee on Agriculture.

By Mr. MADISON: Resolution (H. Res. 799) to amend Rule XXVIII of the Rules of the House of Representatives—to the Committee on Rules.

By Mr. HULL of Iowa: Resolution (H. Res. 800) directing the Clerk of the House to purchase 2,000 copies of publication entitled "Official Summary of the Electoral Votes Cast for Each President of the United States," etc.—to the Committee on Accounts.

By Mr. CLARK of Florida: Resolution (H. Res. 801) requesting and directing the Attorney-General of the United States to investigate the actions and doings of the Atlanta Coal and Ice Company, with a view of determining if said company is violating the antitrust laws of the United States, and for prosecution of such violations—to the Committee on the Judiciary.

By Mr. CLARK of Missouri: Resolution (H. Res. 803) to amend Rule XXVIII—to the Committee on Rules.

By Mr. FOSTER of Vermont: Joint resolution (H. J. Res. 232) creating a commission to represent the United States at the celebration of the first centennial of the Republic of Mexico—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 26870) granting an increase of pension to John P. Lonsway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26871) granting an increase of pension to Erasmus D. Turner—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 26872) granting a pension to George Sword—to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 26873) granting an increase of pension to Jasper D. Lacey—to the Committee on Pensions.

By Mr. DIEKEMA: A bill (H. R. 26874) conveying to the city of Grand Haven a strip of land for public alley purposes—to the Committee on Public Buildings and Grounds.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 26875) granting an increase of pension to John W. Petley—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 26876) granting an increase of pension to William R. Mitchell—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 26877) to permit William H. Moody, an associate justice of the Supreme Court of the United States, to retire—to the Committee on the Judiciary.

By Mr. GOULDEN: A bill (H. R. 26878) to correct the military record of Michael Mullett—to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: A bill (H. R. 26879) granting an increase of pension to Francis M. Jeffery—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 26880) granting an increase of pension to John W. Oxenreider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26881) granting an increase of pension to Lyman H. Evans—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 26882) granting a pension to Gertrude A. E. Walsh—to the Committee on Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 26883) to hold and consider William H. Bennett to have been honorably discharged—to the Committee on Military Affairs.

Also, a bill (H. R. 26884) granting an increase of pension to Freman W. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26885) granting an increase of pension to Matthew W. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26886) granting an increase of pension to Joseph R. Junkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26887) granting an increase of pension to John Heltzell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26888) granting an increase of pension to Shepherd M. Knapp—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 26889) granting an increase of pension to Emanuel K. Dum—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 26890) granting an increase of pension to William H. K. Southard—to the Committee on Pensions.

By Mr. MAYNARD: A bill (H. R. 26891) granting an honorable discharge to Jonas Foeman—to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 26892) granting an increase of pension to Jacob Downs—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 26893) to carry into effect the findings of the Court of Claims in case of John A. Chandler, administrator of Bethel G. Chandler, deceased—to the Committee on War Claims.

Also, a bill (H. R. 26894) to carry into effect findings of the Court of Claims in case of David Z. Gold, administrator of Peter H. Gold, deceased—to the Committee on War Claims.

By Mr. WATKINS: A bill (H. R. 26895) for the relief of Mrs. Achilles Prudhomme—to the Committee on War Claims.

PETITIONS, ETC.

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

By Mr. ANDERSON: Paper to accompany bill for relief of John J. Krafft—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Tittman McLaughlin and Wilson Van Horn—to the Committee on Invalid Pensions.

Also, petition of Amos Hite and others, for Senate bill 6931, for appropriation of $500,000 for extension of work in Office of Public Roads of the Department of Agriculture—to the Committee on Agriculture.

By Mr. AIKEN: Papers to accompany bills for relief of R. D. Merrick, Ira S. Pitts, C. J. Mulkey, and Mary S. Corbin—to the Committee on Claims.

By Mr. BORLAND: Paper to accompany bill for relief of John A. Campbell—to the Committee on Claims.

By Mr. CALDER: Paper to accompany bill for relief of Maria Pierce—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of Local Union No. 1725, of the United Brotherhood of Carpenters and Joiners of

America, of Holly Hill, Fla., relative to proposed legislation concerning the water supply for the city of San Francisco—to the Committee on the Public Lands.

Also, petition of Armond (Fla.) Village Improvement Association; Palmetto Club, of Daytona, Fla.; Woman's Club of Tallahassee; New Century Club, of High Springs, Fla.; Florida State Federation of Woman's Clubs; and Woman's Club of Palatka, Fla., urging legislation for eradication of disease from dairy products—to the Committee on Agriculture.

Also, petition of Council No. 648, Knights of Columbus, of Jacksonville, Fla., favoring the passage of House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tampa (Fla.) Harbor, No. 82, American Association of Masters, Mates, and Pilots of Steam Vessels, urging passage of House bills 23313, 23689, and 18682—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Florida Association of Postmasters, for a postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Local Lodge No. 270, of the G. A. T. M. of Tampa, for battle-ship construction in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of C. W. Donaldson, J. A. McCloud, Samuel D. Chatham, and numerous other citizens of Jacksonville, Fla., favoring House bill 22066 and Senate bill 6702 providing for inspection of boilers—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. D. Pierce and other citizens of Mandaview, Fla., for House bill 15441 providing for an eight-hour workday on all government work, by contract or otherwise—to the Committee on Labor.

By Mr. DAWSON: Petition of Local Union No. 85, International Alliance Theatrical Stage Employees, of Davenport, Iowa, relative to the San Francisco water supply—to the Committee on the Public Lands.

By Mr. FORNES: Petition of William Knabe & Co., of New York City, favoring New Orleans as the logical point for the Panama exposition of 1915—to the Committee on Industrial Arts and Expositions.

By Mr. FOSTER of Vermont: Petition of Fairfield (Vt.) Grange, Patrons of Husbandry, favoring the establishment of a national department of public health—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of John L. Hamilton, of the American Bankers' Association, against the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of Woman's Christian Temperance Union, of Coats Grove, Mich., urging bill to prevent circulating news of prize fights—to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens of Hillsboro, N. Dak., for Senate bill 3776 or some similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. HELM: Paper to accompany bill for relief of William Paynter—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of Francis M. Jeffery—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of William H. Woodside—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of citizens of the Ninth Congressional District in the State of Wisconsin, against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Paper to accompany bill for relief of Jonas Foeman—to the Committee on Military Affairs.

Mr. OLDFIELD: Paper to accompany bill for relief of Joseph C. Watson—to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of Railway Employers of Beardstown, Ill., against attacks on railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: Petition of Collins Wireless Society, Chapter No. 1, Denver, Colo., signed by Winfield Lapham, president, Lawrence Hough, jr., secretary and treasurer, and several others, protesting against the passage of any bill preventing experimenting in wireless telegraphy—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of St. Paul Jobbers and Manufacturers' Association, concerning railway legislation—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *June 16, 1910.*

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

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

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. 8914. An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes;

H. R. 21219. An act to provide for the sittings of the United States circuit and district courts of the eastern division of the eastern judicial district of Missouri at the city of Rolla, in said district;

H. R. 23094. An act to provide for sittings of the United States circuit and district courts of the western division of the western judicial district of Missouri at the city of Chillicothe, in said district; and

H. R. 23385. An act for the relief of Demon S. Decker.

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 Senate to the bill (H. R. 13907) to provide for agricultural entries on coal lands.

The message further announced that the House had receded from its amendments to the bill (S. 8399) 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.

The message also announced that the House insists upon its amendments to the bill (S. 8086) 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, disagreed to by the Senate; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further announced that the House had passed the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes, 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 they were thereupon signed by the Vice-President:

S. 538. An act to amend sections 2586 and 2587 of the Revised Statutes of the United States as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon;

H. R. 21219. An act to provide for the sittings of the United States circuit and district courts of the eastern division of the eastern district of Missouri at Rolla, in said district;

H. R. 23094. An act to provide for the sittings of the United States circuit and district courts of the western division of the western district of Missouri at the city of Chillicothe, in said district;

H. R. 23388. An act for the relief of Demon S. Decker; and

H. R. 26318. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Sacramento, Cal., and of the southern division of the southern district of California at San Diego, Cal.

PETITIONS AND MEMORIALS.

Mr. BROWN presented a petition of the Commercial Club of Hartington, Nebr., 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. FLINT presented a petition of the Indian Hill Citrus Association, of North Pomona, 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.

He also presented a petition of the Saturday Afternoon Club, of Ukiah, Cal., praying that an investigation be made into the condition of dairy products, which was referred to the Committee on Agriculture and Forestry.