SENATE.

MONDAY, *June 20, 1910.*

The Senate met at 11 o'clock a. m.

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

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

LIST OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting in response to a resolution of the 14th instant, a list of claims allowed by the accounting officers of the Treasury Department amounting to $132,607.37 (S. Doc. No. 640), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting in response to a resolution of the 14th instant, a list of judgments rendered by the Court of Claims amounting to $100,123.42 (S. Doc. No. 638), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ESTIMATES OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of deficiencies in appropriations amounting to $6,199.56 (S. Doc. No. 639), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

COLLECTION OF CUSTOMS REVENUE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an increased estimate of deficiency in the appropriation for expenses of collecting the revenue from customs for the fiscal year ending June 30, 1910, $275,000, which was referred to the Committee on Appropriations and ordered to be printed.

VENTILATION OF THE SENATE AND HOUSE.

The VICE-PRESIDENT laid before the Senate a communication from the Superintendent of the United States Capitol Building and Grounds, transmitting a report on an examination of the condition of the air in the Senate Chamber and Hall of the House of Representatives, which, with the accompanying paper, was referred to the Committee on Rules.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House has passed the bill (S. 1119) to authorize the appointment of Frank de l. Carrington as a major on the retired list of the United States Army.

The message also announced that the House had disagreed to the amendments of the Senate to 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, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAMPBELL, Mr. MCGUIRE of Oklahoma, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8667. An act for the relief of Larnie Dean and James Dean;

H. R. 15342. An act to reimburse Charles K. Darling for moneys necessarily expended by him as clerk of the court of appeals for the first circuit;

H. R. 15543. An act to correct the military record of William H. Smith;

H. R. 17373. An act for the relief of the estate of John V. Schermer;

H. R. 19499. An act for the relief of George Drake and Lillie Nelson;

H. R. 25055. An act for the relief of John W. Hyatt;

H. R. 25117. An act for the relief of E. P. Adams; and

H. R. 26730. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1910, and for other purposes.

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:

H. R. 18166. An act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States;

H. R. 25773. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 26187. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a telegram, in the nature of a memorial, from the Association of Sugar and Cane Producers of Porto Rico, remonstrating against the enactment of legislation prohibiting persons or corporations from holding stock in different corporations, etc., in Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. KEAN presented a petition of the Board of Trade of Jersey City, N. J., praying that an appropriation be made for the purchase of a site and the erection of a post-office building at that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. FLINT presented a petition of the Woman's Club of Glendora, Cal., praying for an investigation into the condition of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. DEPEW presented a petition of Thomas Dickson Division, No. 171, Order of Railway Conductors, of Mechanicsville, N. Y., and a petition of Local Union No. 317, Musicians' Protective Association, of Hoosick Falls, N. Y., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Faculty of Adelphi College, Brooklyn, N. Y., and a petition of the Board of Education of New York City, N. Y., praying that an appropriation be made for the extension of the field work of the Bureau of Education, which were referred to the Committee on Education and Labor.

He also presented a petition of the National Association of Credit Men, praying for the adoption of a certain amendment to the present bankruptcy law, which was ordered to lie on the table.

He also presented petitions of Local Lodge No. 155 of New York City, of Local Lodge No. 230 of Albany, of Local Lodge No. 242 of Elmira, of Local Lodge No. 276 of East Buffalo, of Local Lodge No. 241 of Buffalo, of Local Lodge No. 85 of Buffalo, of Local Lodge No. 121 of Corning, of Local Lodge No. 824 of Malone, of Local Lodge No. 99 of Rochester, of Local Lodge No. 472 of Buffalo, of Local Lodge No. 227 of Binghamton, of Local Lodge No. 120 of Syracuse, of Local Lodge No. 216 of Norwich, and of Local Lodge No. 614 of Buffalo, all of the Brotherhood of Locomotive Firemen and Enginemen, in the State of New York, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of New York, praying for the enactment of legislation providing for a uniform bill of lading, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Civic Improvement League of Whitehall, N. Y., praying that an investigation be made into the condition of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Lodge No. 681 of Rochester, of Local Lodge No. 230 of Salt Springs, Brotherhood of Railroad Trainmen, and of J. D. Layng Division, No. 421, Brotherhood of Locomotive Engineers, of Buffalo, all in the State of New York, praying for the enactment of legislation authorizing the railroads of the country to increase their transportation rates so as to meet the increased rates of wages that have been allowed railroad employees, which were referred to the Committee on Interstate Commerce.

Mr. BURROWS presented an affidavit in support of the bill (S. 8334) to correct the military record of Edwin Chappie, which was referred to the Committee on Military Affairs.

Mr. LA FOLLETTE presented a memorial of Wilson Colvin Post, No. 38, Department of Wisconsin, Grand Army of the Republic, of La Crosse, Wis., remonstrating against the acceptance of a statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of sundry citizens of Whitewater, Wis., 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 Local Union No. 83, International Association of Steam Hot Water and Power Pipe Fitters and Helpers, of Milwaukee, Wis., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Green Bay, Wis., praying for the passage of the so-called "boiler-inspection bill," which was referred to the Committee on Interstate Commerce.

He also presented a petition of the faculty of the State Normal School, of La Crosse, Wis., and a petition of the Marinette County Medical Society, of Wisconsin, praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Allen Council, No. 49, Royal Arcanum, of Milwaukee; of Local Council No. 832, Knights of Columbus, of Ashland; of Alpha Council, No. 43, of Milwaukee, and of Iron Gate Council, No. 546, Royal Arcanum, all in the State of Wisconsin, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Branch No. 611, Polish National Alliance, of South Milwaukee, Wis., remonstrating against the repeal of the present immigration law, which was referred to the Committee on Immigration.

He also presented a memorial of Local Union No. 103, United Garment Workers of America, of Racine, Wis., remonstrating against any increase being made in the rates of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Thibodaut, La., remonstrating against the enactment of legislation providing for the retirement of United States notes commonly called greenbacks, and the substitution of bank currency, etc., which was referred to the Committee on Finance.

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

Mr. HEYBURN presented a memorial of sundry citizens of Lapwai, Idaho, remonstrating against the enactment of legislation providing for the proper observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

SENATOR FROM ILLINOIS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution (S. Res. 264), reported from the Committee on Privileges and Elections by Mr. BURROWS on the 18th instant, reported it without amendment, and asked for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read as follows:

Senate resolution 264.

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether, in the election of said WILLIAM LORIMER as a Senator of the United States from said State of Illinois, there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress, to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation, to employ a stenographer, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. BORAH. Mr. President, I wish to suggest an amendment to the resolution to insert, after the word "investigate," in line 3, the word "immediately."

I do not offer this amendment as reflecting in any sense, of course, my view as to the merits or demerits of this investigation, neither do I offer the amendment as an implied criticism on what the committee may probably do with reference to taking this matter up for consideration. I offer it for the purpose of making the suggestion that these investigations heretofore have been carried on from day to day and month to month and year to year until they became in a sense a reproach to the investigating body. A party who is resting under a charge such as is resting upon Mr. LORIMER is practically incapacitated from serving his State until the matter shall have been determined. Upon the other hand, the public is interested in an immediate determination of a matter of such vast importance.

I offer the amendment for the purpose of taking the sense of the Senate as to an immediate and speedy determination of a matter of this kind. I think we had about as well have no investigation as to have an investigation which runs through three or four years. It is not in the interest of the investigation or against it whatever as to its merits or demerits, but because a speedy determination is essential from the standpoint of the party interested and of the public interested that I offer the amendment.

Mr. BURROWS. Mr. President——

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

The SECRETARY. After the word "investigate," in the third line, insert "immediately."

Mr. KEAN. I do not see any force to the amendment, but I will have no objection to it.

Mr. BURROWS. I wish to assure the Senator from Idaho that there is no disposition not to proceed with the investigation as rapidly as it can be conducted. It looks a little like a reflection upon the committee. I wish to suggest to the Senator that the committee does not need any such spur at all in this case.

Mr. BORAH. Mr. President, it was furthest from my mind to cast any criticism upon the committee, but I was judging of the future by the past. The past investigations, as everyone knows, have run on until the public has lost interest in them, and the force and effect of them for good or bad has been lost by reason of that fact.

Mr. HALE. Will the Senator yield for a moment that I may have an appropriation bill laid before the Senate?

Mr. BORAH. I am not going to discuss the matter. I will yield the floor entirely.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was rejected.

The resolution was agreed to.

DEFICIENCY APPROPRIATION BILL.

H. R. 26730. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1910, and for other purposes, was read twice by its title, and, on motion of Mr. HALE, referred to the Committee on Appropriations.

Mr. HALE subsequently said: I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 26730) making appropriations to supply deficiencies in appropriations for the fiscal year 1910, and for other purposes, to report it with amendments, and I submit a report (No. 881) thereon.

I give notice that I shall ask the Senate to take up the bill after the reading of the Journal to-morrow morning.

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

REPORT OF A COMMITTEE.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4301) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors, or otherwise, in the army or navy, during the war of the rebellion, the war with Spain, or the Philippine insurrection, reported it with an amendment and submitted a report (No. 882) thereon.

LIST OF PUBLIC BUILDINGS.

Mr. GALLINGER. On the 13th day of the present month I offered a resolution (S. Res. 256) asking the Secretary of the Treasury to report a list of the public buildings by States. Upon my motion the resolution was referred to the Committee on Public Buildings and Grounds. The Senator from Rhode Island [Mr. WETMORE] requested me to report in his name the resolution as amended by that committee. I ask present consideration for it. Let it be read as amended by the committee.

The Secretary read the resolution, as follows:

Senate resolution 256.

Resolved, That the Secretary of the Treasury is hereby authorized and directed to communicate to the Senate, at the beginning of the third session of the Sixty-first Congress, a complete list, by States, of all public buildings constructed and authorized to be constructed to July 1, 1910, under the control of the Treasury Department, giving in each case the amount appropriated, the different offices of the Government occupying the building, and also the population of the town or city according to the census of 1910, and as to such buildings in which

post-offices are located a statement of the gross postal receipts and principal items of expense for the fiscal year ended June 30, 1910.

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

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended by the committee.

Mr. CLAY. I am sure that the resolution is embodied in the omnibus public buildings bill. However, I can see no objection to its adoption.

Mr. GALLINGER. There is no objection to it.

Mr. CLAY. Of course, if it is adopted, it will be stricken out of the bill.

Mr. GALLINGER. The Senator from Rhode Island brought it to me and asked me to report it in his name.

The resolution as amended was agreed to.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. GALLINGER. I submit a resolution, and if I can have the attention of the Senate I will make a brief statement about it.

On the 7th day of March I reported from the Committee on Commerce a bill to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce." I have been urged repeatedly by a great many Senators to move to take up the bill, but I have not done so, for the reason that there were so many important measures before the Senate I thought it might well go over. But, Mr. President, I very much want to have consideration of the bill at an early stage in the next session, and I submit the following resolution, which I suppose will be agreed to without objection.

The Secretary read the resolution (S. Res. 265), as follows:

Senate resolution 265.

Resolved, That the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," be made a special order for Monday, December 12, 1910, immediately after the routine morning business.

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

Mr. BAILEY. Mr. President, my attention was diverted a moment. As I understand it, that is the ship-subsidy bill.

Mr. GALLINGER. It is, so called.

Mr. BAILEY. I object.

Mr. GALLINGER. Then I move that the resolution be agreed to by the Senate.

Mr. BAILEY. Is that in order?

The VICE-PRESIDENT. At this time it is not in order.

Mr. BAILEY. I make the point of order.

The VICE-PRESIDENT. It requires unanimous consent for the order to be made at this time. Reports of committees are still in order.

Mr. GALLINGER. I thought resolutions were called.

The VICE-PRESIDENT. Not yet. It will be in order under the call for concurrent or other resolutions.

Mr. GALLINGER subsequently said: I submit the resolution under this head.

The VICE-PRESIDENT. The Senator from New Hampshire submits a resolution, for which he asks immediate consideration. It will be read.

The Secretary again read the resolution.

Mr. BAILEY. I object to the request for unanimous consent.

The VICE-PRESIDENT. On objection the resolution will go over until to-morrow.

The VICE-PRESIDENT subsequently said: The Chair desires the attention of the Senator from New Hampshire [Mr. GALLINGER]. The Chair was mistaken as to the resolution which the Senator from New Hampshire presented. On reading the resolution the Chair discovers its nature, and that it is in order without unanimous consent.

Mr. GALLINGER. The motion is in order, of course, Mr. President.

The VICE-PRESIDENT. Of course the motion is in order to make a particular measure a special order. The Chair did not understand that that was what the resolution meant.

Mr. GALLINGER. I should prefer that the resolution lie over until to-morrow, because I think then there will be no objection to unanimous consent.

The VICE-PRESIDENT. The Chair was under a misapprehension as to what the resolution was when he held that it must go over on objection. It does not necessarily go over on objection.

FIFTIETH ANNIVERSARY OF THE BATTLE OF GETTYSBURG.

Mr. WARREN. I am directed by the Committee on Military Affairs to whom was referred House concurrent resolution 47 to report it favorably with an amendment. I move that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

Mr. KEAN subsequently said: I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred House concurrent resolution 47, authorizing the appointment of a committee of Senators and Representatives to confer with the commission of the State of Pennsylvania in regard to the celebration of the fiftieth anniversary of the battle of Gettysburg, reported to-day from the Committee on Military Affairs by the Senator from Wyoming [Mr. WARREN], to report it with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the concurrent resolution.

The amendment was, on page 2, line 5, after the word "House," to insert ", and shall not exceed, in all, the sum of $1,000," so as to make the concurrent resolution read:

House concurrent resolution 47.

Whereas the State of Pennsylvania has, by appropriate legislation, constituted a commission known as the "Fiftieth anniversary of the battle of Gettysburg commission," to consider and arrange for a proper and fitting recognition and observance at Gettysburg of the fiftieth anniversary of the battle of Gettysburg, with authority to invite the cooperation of the Congress of the United States and of other States and Commonwealths, and the said commission has extended an invitation to Congress and requested its cooperation in the matter: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of three Senators and three Representatives to confer with the fiftieth anniversary of the battle of Gettysburg commission and report as soon as may be the recommendations of said committee as to the proper action to be taken by Congress to enable the United States fittingly to join in the celebration of the fiftieth anniversary of the battle of Gettysburg; and the necessary expenses of said committee shall be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House, and shall not exceed, in all, the sum of $1,000.

The amendment was agreed to.

The resolution as amended was agreed to.

The preamble to the resolution was agreed to.

PATRICK H. HANDLEY.

Mr. BORAH. At the request of the chairman of the Committee on Indian Affairs I report favorably from that committee the bill (H. R. 18761) granting relief to the estate of Patrick H. Handley.

Mr. HEYBURN. Mr. President, in connection with that matter——

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

Mr. BORAH. Yes.

Mr. HEYBURN. Mr. President, I rise to speak for a moment to the report which has just been made, in order to explain it. A few days since the Senator from Minnesota [Mr. CLAPP], who is not a member of the Committee on Public Lands, requested that the bill just reported be taken from the jurisdiction of the Committee on Public Lands and referred to the Committee on Indian Affairs. I called attention to it at the time, but the Senator making the request stated that it was with the consent of the chairman of the Committee on Public Lands. I am advised by the chairman of the Committee on Public Lands, who is present, that he did not understand that he had at any time given any such consent. The bill at that time was not within the jurisdiction of the Senate, but it was before a subcommittee of which I had the honor to be the chairman. The report was ready to be made to the Committee on Public Lands. The bill never has been within the jurisdiction of the Committee on Indian Affairs. It is not within the rule of this Senate for a member to ask that a committee of which he is not a member be relieved from the consideration of a bill, and that it be referred to another committee. The Committee on Public Lands has jurisdiction of this matter.

Mr. BORAH. Mr. President, I was not familiar with the facts. I ask leave to withdraw the report until I can consult with the chairman of the committee.

The VICE-PRESIDENT. The report will be withdrawn.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. BURROWS:

A bill (S. 8781) granting an increase of pension to Arthur Cary (with an accompanying paper);

A bill (S. 8782) granting an increase of pension to William Foster (with an accompanying paper); and

A bill (S. 8783) granting an increase of pension to Edward A. Gibson (with an accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 8784) granting an increase of pension to Samuel P. Travis; and

A bill (S. 8785) granting an increase of pension to Elizabeth E. Root; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 8786) for the relief of John R. Hales; and

A bill (S. 8787) for the relief of the estate of Ann S. Jackson; to the Committee on Claims.

A bill (S. 8788) granting an increase of pension to James J. Garner (with an accompanying paper); and

A bill (S. 8789) granting an increase of pension to William T. Alexander; to the Committee on Pensions.

By Mr. McENERY:

A bill (H. R. 8790) for the erection of a federal building at Covington, La.; to the Committee on Public Buildings and Grounds.

By Mr. HEYBURN:

A bill (S. 8791) granting an increase of pension to William E. Stewart; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 8792) to authorize the cities of Boston and Cambridge, Mass., or any public body authorized by the State of Massachusetts to construct drawless bridges across the Charles River between the cities of Cambridge and Boston, in the State of Massachusetts; to the Committee on Commerce.

By Mr. HEYBURN:

A joint resolution (S. J. Res. 115) relative to the placing of statues in the United States Capitol; to the Committee on the Library.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CLAY submitted an amendment proposing to appropriate $45,000 out of the funds of the Colville Indians to pay Hugh H. Gordon for individual services in behalf of those Indians, and so forth, 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.

AMENDMENTS TO OMNIBUS PUBLIC BUILDINGS BILL.

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

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

Mr. KEAN submitted three amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds.

Mr. BAILEY submitted four amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

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

COURT OF COMMERCE, ETC.

The VICE-PRESIDENT. At the request of the senior Senator from West Virginia [Mr. ELKINS], and without objection, the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, will be taken from the calendar and indefinitely postponed.

Mr. HEYBURN submitted the following resolution (S. Res. 268), which was referred to the Committee on Printing:

Senate resolution 268.

Resolved, That there be prepared, under the direction of the superintendent of the Senate document room, for the use of the Senate, a compilation of debates, documents, reports, and important bills, second session, Sixty-first Congress, pertaining to the commerce-court legislation, with index.

On motion of Mr. KEAN, it was

Ordered, That 5,000 copies of public law No. 218, an act to create a commerce court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, be printed for the use of the Senate document room.

LIST OF ACCIDENTS.

Mr. GUGGENHEIM submitted the following resolution (S. Res. 267), which was referred to the Committee on Interstate Commerce.

Senate resolution 267.

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed, if not inconsistent with public interest, to furnish for the information of the Senate of the United States, on or before January 1, 1911, a list of accidents and injuries and damages to persons and property, and the nature, character and extent of the same, resulting from delivering and receiving mail, to and from moving trains, at what are known as catcher stations.

WITHDRAWAL OF PAPERS.

On motion of Mr. BURNHAM, it was

Ordered, That the papers accompanying S. 3677, for the relief of heirs or estate of Elizabeth McClure, deceased; S. 6803, for the relief of Mary E. Willett and others; and S. 8352, for the relief of lock masters, lockmen, and other laborers and mechanics employed by the United States Government on the locks and dams of the Kanawha River in West Virginia, all of the Sixty-first Congress, be withdrawn from the files of the Senate, there having been no adverse reports thereon.

WITHDRAWAL OF PAPERS—MARTHA J. HURLBUT.

On motion of Mr. DICK, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of the bill (S. 7109), Sixty-first Congress, second session, granting a pension to Martha J. Hurlbut, there having been no adverse report thereon.

WITHDRAWAL OF PAPERS—AUGUST RUMPF.

On motion of Mr. DICK, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of the bill (S. 4155), Sixty-first Congress, second session, granting a pension to August Rumpf, there having been no adverse report thereon.

STUDY OF ALCOHOL.

Mr. GALLINGER. I present certain papers which were read at the Philadelphia meeting of the American Medical Society for the study of alcohol and other drug narcotics. I move that the papers be referred to the Committee on Printing.

The motion was agreed to.

CREEK TOWN-LOT SALES.

Mr. GORE. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 266) was read, as follows:

Senate resolution 266.

Resolved, That the select committee appointed in pursuance of Senate resolution No. 186 be directed to investigate the prosecution growing out of the Creek town-lot sales before the meeting of Congress December next.

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

Mr. KEAN. What is Senate resolution 186?

Mr. GORE. It is the resolution by which a select committee was appointed to investigate what is known as the third degree, in the application of certain cruelties.

Mr. KEAN. I should like to look at the resolution. Let it lie over until later in the day.

The VICE-PRESIDENT. On objection, the resolution goes over.

Mr. BAILEY. I hope the Senator from New Jersey will not object to it.

Mr. KEAN. I have not objected to it. I merely want to have the resolution go over.

Mr. BAILEY. I think the Senator from Oklahoma or I can make a statement that will satisfy the Senator.

Mr. KEAN. I do not doubt that the Senator can.

Mr. BAILEY. It is a simple——

The VICE-PRESIDENT. Does the Senator from New Jersey withhold his objection?

Mr. KEAN. Certainly.

Mr. BAILEY. It is a simple resolution directing a committee which has already been appointed and is charged with the duty of investigating certain abuses of the judicial process to specially investigate what, in my judgment, is one of the gravest abuses of the judicial process that has been practiced in this country for many years.

Mr. CLARK of Wyoming. Mr. President——

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

Mr. BAILEY. I do.

Mr. CLARK of Wyoming. I suggest to the Senator from Texas that possibly this direction to the committee to take up this particular instance, as he will see, is unnecessary, as the entire matter will come under their authority, anyway.

Mr. BAILEY. The Senator from Oklahoma wants to be certain of that, and he simply submitted the resolution, as I understand, to remove any possible doubt.

Mr. CLARK of Wyoming. Yes; but the Senator from Texas will see where this amendment might possibly land the committee; that is, even if they should find that the abuse existed to which the original resolution was directed, this, as I under-

stand, would compel them to investigate that town-and-lot sale; and if what I think is true about it, they would have to spend their entire time on it.

Mr. BAILEY. Not the town-and-lot sale——

Mr. CLARK of Wyoming. I suggest that the resolution go over.

Mr. BAILEY. But the application of the judicial machinery to certain conditions of it. The Senator does not ask that the resolution be referred?

Mr. CLARK of Wyoming. Oh, no; simply that it go over.

The VICE-PRESIDENT. Objection being made to the present consideration of the resolution, it goes over until to-morrow.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17500) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment.

GEORGE C. PERKINS,
S. B. ELKINS,
Managers on the part of the Senate.
WILLIAM I. SMITH,
JOSEPH V. GRAFF,
SWAGAR SHERLEY,
Managers on the part of the House.

The report was agreed to.

PENSIONS APPROPRIATION BILL.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20578) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1911, and for other purposes, having met, after full and free conference report that the conferees have been unable to agree.

HENRY E. BURNHAM,
REED SMOOT,
ROBERT L. TAYLOR,
Managers on the part of the Senate.
J. WARREN KEIFER,
H. M. SNAPP,
JOHN A. KELIHER,
Managers on the part of the House.

The report was agreed to.

Mr. BURNHAM. I move that the Senate further insist on its amendments and ask a further conference with the House on the disagreeing votes of the two Houses thereon, 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. BURNHAM, Mr. SMOOT, and Mr. TAYLOR the managers on the part of the Senate at the further conference.

LANDS IN ANADARKO, OKLA.

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. 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 requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, 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. CHAMBERLAIN, Mr. PAGE, and Mr. OWEN the conferees on the part of the Senate.

HOUSE BILLS REFERRED.

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

H. R. 8667. An act for the relief of Larnie Dean and James Dean;

H. R. 15342. An act to reimburse Charles K. Darling for moneys necessarily expended by him as clerk of the court of appeals for the first circuit;

H. R. 19499. An act for the relief of George Drake and Lillie Nelson; and

H. R. 25117. An act for the relief of E. P. Adams.

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

H. R. 15543. An act to correct the military record of William H. Smith; and

H. R. 25055. An act for the relief of John W. Hyatt.

H. R. 17373. An act for the relief of the estate of John V. Schermer was read twice by its title and referred to the Committee on Finance.

OMNIBUS CLAIMS BILL.

Mr. BURNHAM. I desire to give notice that on Wednesday, at the close of the routine morning business, I shall ask the Senate to consider the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, known as the omnibus claims bill.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. SCOTT. Mr. President, the Committee on Public Buildings and Grounds is trying to get the public buildings bill in order, and, as we all hope to get away this week, I ask that the committee be allowed to sit during the sessions of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia that the Committee on Public Buildings and Grounds be permitted to sit during the sessions of the Senate? The Chair hears none.

EFFICIENCY OF THE ENGINEER CORPS OF THE ARMY.

The VICE-PRESIDENT. Is there further morning business? If not, morning business is closed.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 7117) to increase the efficiency of the Engineer Corps of the United States Army.

Mr. BAILEY. Mr. President, if that is a request for unanimous consent——

Mr. WARREN. It is not.

The VICE-PRESIDENT. It is not a request for unanimous consent, but a motion to proceed to the consideration of the bill named by the Senator from Wyoming [Mr. WARREN].

Mr. BAILEY. Is that motion in order at this time?

The VICE-PRESIDENT. After the disposal of the morning business such a motion is in order.

Mr. BAILEY. I thought the calendar was in order.

Mr. WARREN. This bill is on the calendar.

Mr. BAILEY. I understand; but I thought the calendar was to be called and that the bills were to be considered in their order, except that, if one was objected to, it would then be in order to move to proceed to its consideration, notwithstanding the objection.

The VICE-PRESIDENT. The motion to proceed to the consideration of a bill can be made at any time before 2 o'clock. Such a motion is now made, and it is not debatable.

Mr. BRISTOW. Mr. President, I should like to ask the Senator from Wyoming——

The VICE-PRESIDENT. The motion is not debatable. It can only be debated by unanimous consent. If there is no objection——

Mr. BRISTOW. I should like to ask the Senator from Wyoming if he will not consent that this bill go over, because the junior Senator from Montana [Mr. DIXON] desires to be heard on it.

Mr. WARREN. The Senator from Montana is in the Chamber, or he was a moment ago, and he will be here.

Mr. BRISTOW. He is now employed in a committee meeting. He so informed me, and asked me to state that he wanted to be heard before this bill was disposed of.

Mr. WARREN. Very well. We will send for the Senator.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wyoming to proceed to the consideration of the bill named by him. [Putting the question.] The noes appear to have it.

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

The yeas and nays were ordered.

Mr. BAILEY. I ask the Chair to count the number of Senators who held up their hands.

The VICE-PRESIDENT. The Chair will again count. As many as second the request will hold up their hands. [After counting.] There are sixteen.

Mr. BAILEY. Now, I ask that the other side be counted.

The VICE-PRESIDENT. Those who are opposed to seconding the demand will raise their hands. [After counting.] There is a sufficient number.

Mr. BAILEY. I make the point that there is no quorum.

Mr. WARREN. The call of the roll on the motion to take up the bill will demonstrate whether or not there is a quorum present.

The VICE-PRESIDENT. The Senator from Texas raises the point of a quorum, and the Secretary will call the roll.

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

Bacon	Burton	Gamble	Paynter
Bailey	Carter	Gore	Percy
Beveridge	Chamberlain	Heyburn	Perkins
Borah	Clapp	Hughes	Piles
Bourne	Clark, Wyo.	Johnston	Purcell
Brandegee	Clay	Jones	Scott
Briggs	Crawford	Kean	Smoot
Bristow	Cullom	McEnery	Stephenson
Brown	Cummins	Nelson	Sutherland
Bulkeley	Dolliver	Oliver	Warren
Burkett	Fletcher	Overman	Wetmore
Burnham	Flint	Owen	
Burrows	Gallinger	Page	

The VICE-PRESIDENT. Fifty Senators have answered to the roll call. A quorum of the Senate is present. The Secretary will call the roll on agreeing to the motion made by the Senator from Wyoming [Mr. WARREN].

The Secretary proceeded to call the roll.

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

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from Virginia [Mr. MARTIN], and vote. I vote "nay."

Mr. OVERMAN (when his name was called). I desire to announce that I am paired with the Senator from Missouri [Mr. WARNER], who is absent. I make this announcement to cover all roll calls for to-day.

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.

The roll call was concluded.

Mr. CLAY. I am paired with the junior Senator from New York [Mr. ROOT]. I transfer that pair to the senior Senator from Virginia [Mr. DANIEL], and vote. I vote "nay."

Mr. GALLINGER. I am requested to announce the pair of the senior Senator from Massachusetts [Mr. LODGE] with the junior Senator from South Carolina [Mr. SMITH].

Mr. TAYLOR. I have a general pair with the junior Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the Senator from North Carolina [Mr. SIMMONS], and vote. I vote "nay."

Mr. CLAPP. My pair, the Senator from North Carolina [Mr. SIMMONS], being absent, I at first withheld my vote, but on being advised that he would vote as I would, I am entitled to vote, and I vote "nay."

Mr. WETMORE. I desire to announce the pair of my colleague [Mr. ALDRICH] with the senior Senator from Arkansas [Mr. CLARKE]. My colleague is unavoidably detained.

Mr. PAGE. My colleague [Mr. DILLINGHAM] is unavoidably detained from the Senate. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. SCOTT. I announce the transfer of my pair with the senior Senator from Florida [Mr. TALIAFERRO] to the senior Senator from Pennsylvania [Mr. PENROSE], and will vote. I vote "yea."

Mr. CRAWFORD (after having voted in the affirmative). I desire to withdraw my vote. I am paired with the senior Senator from Tennessee [Mr. FRAZIER].

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

YEAS—33.

Brandegee	Clark, Wyo.	Guggenheim	Scott
Briggs	Crane	Heyburn	Smoot
Brown	Cullom	Jones	Stephenson
Bulkeley	Curtis	Kean	Sutherland
Burkett	Dick	McEnery	Warren
Burnham	Elkins	Nelson	Wetmore
Burrows	Flint	Oliver	
Burton	Gallinger	Perkins	
Carter	Gamble	Piles	

NAYS—20.

Bacon	Clapp	Dolliver	Page
Bailey	Clay	Fletcher	Paynter
Bourne	Cummins	Gore	Percy
Bristow	Davis	Hughes	Purcell
Chamberlain	Dixon	Johnston	Taylor

NOT VOTING—39.

Aldrich	Dillingham	Martin	Shively
Bankhead	du Pont	Money	Simmons
Beveridge	Foster	Newlands	Smith, Md.
Borah	Frazier	Nixon	Smith, Mich.
Bradley	Frye	Overman	Smith, S. C.
Clarke, Ark.	Hale	Owen	Stone
Crawford	Lafollette	Penrose	Taliaferro
Culberson	Lodge	Rayner	Tillman
Daniel	Lorimer	Richardson	Warner
Depew	McCumber	Root	

So Mr. WARREN's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill H. R. 7117.

The Secretary read the bill, as follows:

Be it enacted, etc., That the commissioned force of the Corps of Engineers of the United States Army shall consist of 1 chief of engineers, with the rank of brigadier-general, 15 colonels, 22 lieutenant-colonels, 51 majors, 60 captains, 56 first lieutenants, 43 second lieutenants, and 1 chaplain: *Provided*, That the increase provided for in this act shall be extended over a period of five years, as nearly as practicable, and that the original vacancies created by this act shall be filled by the promotion in each fiscal year of not more than 1 lieutenant-colonel to be colonel, 2 majors to be lieutenant-colonels, 3 captains to be majors, 4 first lieutenants to be captains, and 2 second lieutenants to be first lieutenants.

SEC. 2. That vacancies in the grade of second lieutenant in the Corps of Engineers shall hereafter be filled, as far as may be consistent with the interests of the military service, by promotions from the corps of cadets at the United States Military Academy: *Provided*, That vacancies remaining in any fiscal year after the assignment of cadets of the class graduating in that fiscal year may be filled from civil life as hereinafter provided: *And further provided*, That the proportion of any graduating class assigned to the Corps of Engineers shall not be less than the proportion which the total number of officers authorized at date of graduation for that corps bears to the total number of officers authorized at same date for all branches of the army to which cadets are eligible for promotion upon graduation, except when such a proportionate number is more than the number of vacancies existing at date of graduation plus the number of retirements due to occur in the Corps of Engineers prior to the 1st day of the following January.

SEC. 3. That to become eligible for examination and appointment, a civilian candidate for the appointment as second lieutenant must be an unmarried citizen of the United States between the ages of 21 and 29, who holds a diploma showing graduation in an engineering course from an approved technical school, and is eligible for appointment as a junior engineer under the Engineer Bureau of the War Department. Selection of eligible civilians for appointment, including term of probation, shall be made as the result of such competitive examination into the mental, moral, and physical qualifications, and under such rules and regulations as shall be recommended by the Chief of Engineers and approved by the Secretary of War.

SEC. 4. That whenever it shall be necessary, in order to properly prosecute works of river and harbor improvement, the Chief of Engineers is authorized to detail for duty in charge of river and harbor districts, or as members of boards of engineers, any assistant engineers in the employ of the Engineer Bureau of the War Department: *Provided*, That the President may, in his discretion, detail any army engineer to the supervision or inspection of any engineering work or works of construction carried on by the Government pursuant to law.

SEC. 5. That the officers of the Corps of Engineers, when on duty under the Chief of Engineers connected solely with the work of river and harbor improvements, may, while so employed, be paid their pay and commutation of quarters from the appropriations for the work or works upon which they are employed.

SEC. 6. This act shall take effect on the 1st day of July, 1910, and all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. BAILEY. Of course, I recognize that it is not exactly the proper thing to take this bill out of the hands of the chairman of the committee, and if he desires to submit any remarks to the Senate upon it first, I will be very glad to hear them.

Mr. WARREN. If the Senator has read the reports made upon the bill, and wants to discuss it upon its merits as it stands, I should be very glad if he would proceed now. I am curious to know what his objections can be. I can conceive of no valid, reasonable objection that could be made to the bill.

Mr. BAILEY. I am afraid the Senate has not read those reports; and I am going to insist that they shall hear them. I am now entirely ready to proceed, and for a much longer time than the Senate is ready to sit and listen, but I recognize the right of the chairman of the committee to take the precedence.

Mr. WARREN. Proceed.

Mr. BAILEY. The Senator will be more anxious for me to conclude than he now is for me to proceed.

I am not much inclined to filibuster, and when I do it, I am very much inclined to admit that I am doing it and that I intend to do it. If it shall abate anything from what I may say to the Senate, I desire to announce to the Senate and to the Senator from Wyoming that I intend to prevent the passage of this bill, and I will filibuster if it is necessary to do that.

I do not know much about how many increases are necessary in the army, although I know there have been already two increases in the Engineer Corps since the skirmish with Spain, and I also know that in each of the preceding instances we were assured that no further or other increases would be necessary.

But, Mr. President, assuming that the duties now imposed upon the officers are such as the present number of them can not perform, I want to reduce their duties rather than to increase their numbers. I have had a very recent experience with the Engineer Corps of the Army, and I have been deeply impressed with the idea that they have been assigned to the performance of some duties which do not properly belong to them.

For instance, I introduced in the Senate an amendment providing for certain public works in the State of Texas. The engineers reported upon those propositions, admitting that they were entirely feasible as an engineering problem, admitting that the work could be done at a very reasonable cost, and as-

serting that the work which I wanted done was cheaper and more feasible and more desirable than another item in that bill calling for almost double the expenditure of money, but these all wise and all powerful army officers told the Congress of the United States that the commerce at these points was not sufficient to justify the expenditure of the public money.

I stood here and pleaded to the Senate for my right to say what commercial facilities should be supplied to the people of Texas, but I pleaded in vain, simply and only because the army engineers had said that the allowance ought not to be made.

Mr. President, the people of those two communities immediately affected had taxed themselves to the extent of $600,000, and with that magnificent sum they proposed to pay one-half of the cost of that work, and yet in the face of the fact that these people, who had spent their months and years and their business lives accumulating the property which they were willing to tax for that purpose, deemed this work of sufficient importance to justify them in expending $600,000 of their own money, the engineers of the army, who knew nothing about the commercial necessities and the commercial possibilities of those people, simply wrote it down in the report that the commerce was not sufficient, and I was powerless to provide what my people were entitled to have.

I submit to the common sense of every Senator here the question, Whose judgment would you rather have—not that of the Senators as compared with the engineers, but as between the engineers and the people immediately concerned, whose judgment was that these facilities were so necessary and proper that they were willing to spend $600,000 in their establishment. Would you take their judgment, supported by a proposition to pay $600,000, or would you take the judgment of an army engineer, who knew nothing about the problem?

Mr. President, the way to avoid the necessity of this legislation is to relieve the army engineers of the duty of ascertaining and determining and reporting the commercial possibilities and the commercial necessities and confine them purely and only to the question of engineering problems. I am willing to take an army engineer's judgment as to the difficulty or feasibility of a given engineering problem, though I am frank to say that I would prefer a civil engineer for a civil business like that over an army engineer. I do not know of anything in the education of a soldier that necessarily qualifies him for the discharge of a purely civil duty better than men who are educated with that purpose alone.

But, admitting that your Military Academy is so much superior to all these other schools, that the army engineer knows better than the civil engineer how to deal with the problems of civil engineering, it does not follow—it can never follow—that in addition to his knowledge of engineering he possesses a knowledge of commerce superior to the people whose lives have been devoted to commercial pursuits; and so far as I am concerned I intend to resist, with all the power and endurance I possess, the proposition still further to enlarge the power of army officers over the commercial facilities of these people and of this country.

Mr. President, I am not able to reconcile that view with the respect that Senators entertain for themselves and for their own judgment. I am not able to reconcile it with the sense of dignity which very properly characterizes a Senator in his personal as well as in his official conduct. It is inconceivable to me that any Senator in this Chamber is willing to go on increasing the size of the Engineer Corps and surrendering to them the right to determine the commercial facilities which his constituents may receive.

Mr. WARREN. Mr. President——

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

Mr. BAILEY. I do.

Mr. WARREN. The Senator will admit that we are going on from year to year increasing the river and harbor work, will he not?

Mr. BAILEY. Yes, sir.

Mr. WARREN. At present and heretofore we have called on the army for all the support we could get from that source, and, of course, we have employed a great many civil engineers besides. Does the Senator think that he and those who vote with him for large river and harbor appropriations ought to oppose the proposition of providing the proper number of scientific men to superintend the expenditure of these vast sums—almost countless millions of dollars—without substituting something else in the place of it, or providing some other way?

Mr. BAILEY. If you confine them to the scientific problems, I might agree with the Senator, but I do not want to be increasing their number in order that they may devote a large part of their time to the consideration and determination of questions which belong to us and not to them.

Let me ask the Senator from Wyoming, since he is on his feet, is he willing to allow an army engineer to say what appropriation his people shall have, instead of deciding that for himself?

Mr. WARREN. If the Senator will allow me to answer——

Mr. BAILEY. Certainly; I ask for an answer.

Mr. WARREN. It is not to be done as a general proposition. We put in the hands of these engineers the work of examining and making reports.

Mr. BAILEY. A report on what?

Mr. WARREN. Upon the feasibility of the various river and harbor improvements or projects proposed. I agree with the Senator that Congress should finally decide all those questions when it makes the appropriations.

Mr. BAILEY. But it does not.

Mr. WARREN. One moment. Every one of the appropriations for the different schemes of river and harbor projects has been made by the direct act of the Congress. They have first been examined by the army engineers upon the specific orders of Congress for an improvement, and they have reported on them.

Mr. BAILEY. They do not confine them——

Mr. WARREN. After their report has been completed and examined it is our business here in Congress to decide where and for what we shall appropriate. The engineers do not decide that.

Mr. BAILEY. Oh, no, Mr. President, the Senate does what the engineers tell it to do. I might not have thought that three months ago. I had the agreement of the majority of the Senate to vote to reject the conference report, and when we took the vote I think I had 12 out of about 55; and the whole argument that was made was twofold, first, that the proposition inserted in the bill was contrary to the report of the army engineers; and, second, that if the bill went back to conference it might never come back to the Senate. There was absolutely no consideration as to the justice or the wisdom of the item involved.

Mr. WARREN. Will the Senator permit me?

Mr. BAILEY. Certainly.

Mr. WARREN. If I am correctly informed, every one of these projects is reported upon before the money is appropriated. Certainly they should be examined by the proper agencies, and such proper agencies have been considered to be the engineers of the army.

On the other hand, there have been no appropriations made except such as have been made on those reports, not always perhaps agreeing with the recommendations contained in such reports. The Senator's complaint seems to be directed toward some specific appropriation or line of appropriations which he says have been refused for a twofold reason. I do not know of any project that has been refused on the recommendation of the engineers, if Congress saw fit to appropriate for it. On the other hand, I do not know of any worthy project, unless it is the one about which the Senator is talking, that has not been passed on favorably by the Senate, notwithstanding the report of the engineers.

Mr. BAILEY. The Senator does not know about it then, if he does not know that.

Mr. WARREN. Probably the Senator will inform me then relative to other cases of the kind mentioned.

Mr. BAILEY. I am going to inform the Senator right now, and he will remember this of course. It is no reflection on the Senator from Wyoming to say that he does not know what is going on in the Commerce Committee of the Senate, because he does so much work elsewhere and he does it so well that he has no time left for matters of this kind. This comes from the Committee on Military Affairs of which the Senator is chairman. It took his time to consider this measure while we were dealing with the question of river and harbor appropriations.

The Senator from Wyoming must remember that we put the item in the bill in the Senate. The Senate committee very properly and almost unanimously put it in. Of course when I say unanimously I naturally turn to the Senator from Ohio [Mr. BURTON], who was a dissenter. But that Senator's whole objection was based right on this rule, that you must have a favorable report of the army engineer; not only that there should be no insuperable engineering difficulty in the way, but that there is commerce enough to justify the expenditure.

Mr. BURTON. Will the Senator from Texas yield to me for a moment?

Mr. BAILEY. Certainly.

Mr. BURTON. I can hardly allow the statement to go unchallenged that the sole ground of any action taken by me was the opinion of the engineers.

Mr. BAILEY. That was the only reason the Senator from Ohio assigned to me when I talked with him, and I supposed that was his whole reason.

Mr. BURTON. Of course it is well to have a dividing line between projects accepted and projects rejected, and the opinion

of the engineers is as good a line as can be devised. Nevertheless, it has always been my custom to examine their reports very carefully. Sometimes I think they have recommended projects which ought not to receive the favorable attention of Congress, and occasionally, on the other hand, they have rejected proposed improvements which——

Mr. BAILEY. And over their unfavorable report did the Senator from Ohio favor inserting those projects in the bill?

Mr. BURTON. Not except in very rare instances. I do not wish to cast any discredit whatever upon the project of the Senator from Texas in this case, but I do not think a careful examination of it, whether made by an engineer, a person engaged in the business of shipping and transportation, or by what is called in a general way a commercial expert, would lead to a favorable opinion with reference to it. One great point in having an engineers' report is that you can not disconnect the engineering phases, including the estimate of expense, and so forth, from the commercial phases.

Mr. BAILEY. Does the Senator say that is one of the points made in the report?

Mr. BURTON. The engineers in their report dwell upon the expense. The Senator from Texas by reading the report will see that they say if the project should be adopted an enlargement would be necessary in a very few years, and thus additional expense would be required for the channels. The report also states that this plan——

Mr. BAILEY. The Senator has some other item in his mind——

Mr. BURTON. No; this one.

Mr. BAILEY. Because they said there was not and would not be commerce enough there for what we are asking to have done. There was not any suggestion that the commerce was going to increase in volume to an extent that would call for additional facilities.

Mr. BURTON. There was a suggestion that the proposed plan would not be adequate. The reason of the inadequacy was not the increase of commerce. The channel would have to be constructed through a tortuous river.

Again, the engineer ventured the reason, whether on good ground or not, that the effect of the improvement would be strictly local, that it could not extend beyond a radius of 25 miles. I believe 25 miles was the distance from the towns in question.

Now, the right course to pursue is to have these engineers express their opinion. They are well posted on commerce. They give the expense and compare that with the probable benefit. The probable proportion of cost to results is a fact that you can not ignore in coming to a conclusion.

I do not maintain that there is any especial sacredness in their opinion, though I want to say to the Senator from Texas I hardly recall an instance in years where an improvement was adopted without their approval but what the results were bad. On the other hand, I have known of some having been adopted which they recommended where the results were also bad.

Mr. DIXON. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Texas yield to the Senator from Montana?

Mr. BAILEY. Certainly.

Mr. DIXON. Mr. President, this is a most important subject we are entering upon. I want to suggest to the Senator from Texas, in addition to his comments on army engineers and their reports on river and harbor work, the probabilities are that the main purpose of this bill is to create additional colonels and lieutenant-colonels and set them to digging irrigation ditches in the West, a thing they know nothing about, never saw in their lives, and which takes a special kind of trained men for the purpose.

In view of the great importance of the question now pending, I think a full Senate ought to hear the discussion. I make the point of no quorum.

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

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

Bacon	Burton	Fletcher	Owen
Bailey	Carter	Flint	Page
Bankhead	Chamberlain	Gallinger	Paynter
Borah	Clapp	Guggenheim	Percy
Bourne	Clark, Wyo.	Heyburn	Perkins
Bradley	Crane	Hughes	Piles
Brandegee	Cullom	Johnston	Purcell
Briggs	Cummins	Kean	Simmons
Bristow	Curtis	La Follette	Smoot
Brown	Davis	McEnery	Stephenson
Burkett	Dick	Nelson	Sutherland
Burnham	Dixon	Newlands	Warren
Burrows	Elkins	Oliver	Wetmore

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The Senator from Texas is entitled to the floor.

Mr. WARREN. Will the Senator from Texas permit me?

Mr. BAILEY. Certainly.

Mr. WARREN. I wish to revert for a moment to the remarks made by the Senator from Montana [Mr. DIXON] and to say that they are not justified by any language in the text of the bill, and are evidently from what may be his or other people's suspicions. There is nothing in the pending bill that need call for the remark that army engineers are to dig all the irrigation ditches. There is nothing in the intention of those who are supporting the bill that justifies the remark. The Senator's difficulty, I think I can state, and perhaps it might as well be stated, is this: The Senator probably has seen in the newspapers various items which allege that the purpose of this bill is to remove Mr. Newell from the Irrigation and Reclamation Service work. If I am any judge of public affairs the friends of Mr. Newell are making a mistake to undertake to allege that in regard to this bill. Mr. Newell's tenure of office has nothing to do with the army; it has nothing to do with the Engineer Corps. His is one of those positions which have no especial tenure of office. He can undoubtedly be retained, promoted, removed, discharged, or demoted at will by the Secretary of the Interior; and whatever may be the fate of the bill Mr. Newell's status will remain unchanged so far as this bill is concerned. To defeat this bill will not insure his retention in service.

I wish that statement to go from me as my idea of the facts in the case, and I think that it is substantiated by all the surrounding circumstances.

Another thing: I know the Senator from Montana wants to be right in his figures, and I observe in the minority report a statement as to the expense of this bill, which is enormously exaggerated. It is not true as to any single figure that is given regarding the expense of this addition to the Engineer Corps.

Mr. DIXON. Mr. President——

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

Mr. WARREN. I do.

Mr. DIXON. Mr. President, as the Senator from Wyoming has yielded to me, I will say that the statement embracing the figures in the report as to the cost of $250,000 per annum, besides fuel, light, quarters, incidentals, and commutation of quarters that go with it, was made on the floor of the other House by the ranking minority member of the House committee. It was made on the floor of the House also by Mr. TAWNEY, chairman of the Committee on Appropriations, and was accepted by the member of the Military Committee in the other House who had the bill in charge on the floor of the House.

Mr. WARREN. No; it was not so accepted.

Mr. DIXON. The figures were that $400,000 a year would be added to these fixed charges of the army by this one increase alone.

Mr. WARREN. Mr. President, that is incorrect, but we are not allowed to discuss here what happens in another place.

The PRESIDING OFFICER. The Chair is aware of that fact, and will call the attention of the Senator from Montana [Mr. DIXON] to the rule.

Mr. DIXON. If it please the Chair, the printed debates in the other House are a part of the permanent public records of Congress, and I do not understand for a moment that there is any rule or limitation which forbids any Senator from referring to matters that are of public record and to statements made therein by individuals.

Mr. WARREN. Mr. President, the Senator's statements regarding remarks might not be correct; as a matter of fact, they were not correct. I wish to say that the matter of expense is governed by the law. When a certain number of men are appointed at certain rates of pay per man, it is a very easy matter of mathematics to show the amount of expense. The amount in this case, instead of being $250,000, would be $164,800 base pay after all of the 60 officers were appointed; but this bill provides for appointing only about one-sixth each year, so that it will be six years before the full expense would be reached.

Mr. DIXON. I should like to inquire of the Senator from Wyoming what that $164,800 includes?

Mr. WARREN. I will state to the Senator that it is the base pay of these 60 officers after the entire increase is effected, which would be about six years hence. The corps would be increased a little each year for six years. Now, if they were all——

Mr. DIXON. Mr. President——

Mr. WARREN. Allow me, if they were all receiving the maximum pay of their respective grades, if all had been long enough in the service so that their pay would reach the very

maximum, including all the additional pay for length of service, the salary expense, then, would reach only about $221,000.

Mr. DIXON. The statement of the minority report was $250,000.

Mr. WARREN. It was, but it can not possibly reach that sum.

Mr. DIXON. The chairman of the Committee on Military Affairs now states it would be $221,000.

Mr. WARREN. No; I do not. I beg the Senator's pardon. I did not say that. I said it would be $164,800, and that it could not possibly reach $250,000, even if every officer were at his maximum, which would be impossible, because the lieutenants would not remain in the grade of lieutenants throughout twenty years' service to get the 40 per cent for length of service. That would be impossible. I said, further, that the expenditure could not possibly reach $220,000; that it would be nearer the $164,800 estimate. It would be less than $200,000 under all circumstances.

Mr. DIXON. Does that include commutation of quarters and the other incidentals that go with it?

Mr. WARREN. No; but the Senator's statement was that it would reach $400,000 with allowances. That is also a guess, and is in nowise correct. Two hundred and fifty thousand dollars for pay and allowances would be about the figure, instead of $400,000.

Mr. DIXON. I should now, at this time, like to ask the Senator from Wyoming what would be the full total maximum added to the cost of the actual maintenance of the army in this one corps, taking into full account the maximum length of service for the officers and the commutation for quarters, fuel, and lights, which go with it. Has the Senator from Wyoming made any estimate of the additional cost?

Mr. WARREN. The exact cost can not be estimated, except from year to year, according to the circumstances, as to who may be living and serving, and how and where they are serving. The Senator has made a calculation, and, as I have stated, the correct figures are very much less under any circumstances than those which have been stated.

Mr. DIXON. Will the Senator from Wyoming give us the benefit of what the actual cost would be, as he has made the figures?

Mr. WARREN. I have said to the Senator that no man living can state beforehand the exact cost of any arm, corps, or department of the army for any year hereafter. It is impossible to know beforehand what allowances may be necessary and permissible, or to compute beforehand exactly the addition required for additional pay for length of service.

Mr. DIXON. Taking the commutation of quarters, fuel, lights, and incidentals, in addition to the full "fogies" allowed as an increase to these 60 officers, it would certainly reach more than $300,000 per year, would it not?

Mr. WARREN. It would not.

Mr. DIXON. How much less than $300,000 would it be?

Mr. WARREN. Mr. President, it is useless to go further. As I stated, it is impossible to arrive at the precise figures. There are maximums, of course, but we can not arrive at the exact amount, but the approximate sum would be $250,000 per annum after the entire addition is effected.

Mr. BAILEY. Mr. President, the Senator from Ohio [Mr. BURTON], usually so accurate, is just a little in error about the particular item which I was considering when interrupted by him. I talked with the Senator from Ohio. Of course if it were a question of recollection between us, neither he nor I would feel at liberty to raise an issue of that kind in this Chamber, growing out of our private conversations; but I am so absolutely certain that the Senator from Ohio would not misstate anything, that I do not hesitate to say that, in our discussion of the matter, the sole objection made to my item was that the engineers had reported adversely, and that if, in order to oblige me, that kind of an item was inserted in the bill here over the engineers' report, it would open the door to infinite mischiefs and embarrassments to the committee. I appreciated that argument to the extent that in order to avoid it, I modified my original proposition, leaving my constituents to incur all of the expense of making the river suitable for their use, and only asked the General Government to incur the expense of making the canal, which it already owns, deep enough and wide enough so that my people could use it in reaching the open sea. I did that purely as a concession to the rule and in order to relieve the committee from embarrassment.

Again, the Senator from Ohio and all Senators will remember that the resistance of the House conferees—and, of course, we are permitted here to discuss the action of a conference committee, because that is a joint organ of the two Houses—the whole resistance of the conferees was rested on the single, naked proposition that these projects had been condemned by the engineers' report. When I turned to the engineers' report and demonstrated to those who would give it attention that the only judgment which the engineers pronounced against the project was one as to its commercial importance, and in nowise relating to its engineering problems, still I was answered that the rule of the House is that no item condemned by the engineers shall be incorporated in one of these bills.

Mr. President, never, as long as I have the honor to serve in this Senate, will I voluntarily abdicate my right to judge of the commercial necessities and facilities of the State which honors me with a seat in this body and allow the engineers of the Government, bound to my people by no tie of interest, affection, or sympathy, with no experience in the great commercial development and progress of that splendid Commonwealth, to determine for Texas what it shall receive.

Mr. BORAH. Mr. President——

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

Mr. BAILEY. I do.

Mr. BORAH addressed the Senate. After having spoken for some time,

POSTAL SAVINGS DEPOSITORIES.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The motion of the Senator from Montana [Mr. CARTER] that the Senate agree to the amendment of the House to the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. BAILEY. Is the Senator from Montana going to ask that the unfinished business be laid aside until the Senator from Idaho [Mr. BORAH] can conclude?

Mr. CARTER. If it is necessary to accommodate the Senator in that behalf that request will be made, but I did not understand that it was necessary.

Mr. BAILEY. His speech is interesting on any subject, and I suppose the Senator from Idaho would just as soon proceed on the unfinished business.

Mr. CARTER. I can see no objection to that course, and it will obviate the necessity of laying the unfinished business aside.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Idaho then will proceed.

Mr. BORAH. I will proceed then, Mr. President.

[After having spoken for several minutes he said:]

I yield to the Senator from Utah [Mr. SMOOT] for a few moments.

WITHDRAWALS OF PUBLIC LANDS.

Mr. SMOOT. I desire to call up the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases. The Senator from Minnesota [Mr. NELSON] entered a motion the other day to reconsider the votes by which the bill was ordered to a third reading and passed. I desire to make that motion at this time.

The PRESIDING OFFICER. The Senator from Utah moves to reconsider the votes by which House bill 24070, to authorize the President of the United States to make withdrawals of public lands in certain cases, was ordered to a third reading, read the third time, and passed. The question is on agreeing to the motion.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

Mr. SMOOT. I move that sections 4, 5, 6, and 7 of the bill be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah to strike out sections 4, 5, 6, and 7 of the bill.

Mr. HEYBURN. Mr. President, this is an occasion which calls for some definite statement. I do not desire to interrupt my colleague in the remarks he is making because they deal with this question. I do not know whether he desires to hold the floor to first express his views in regard to the proposition that is now before the Senate or not. In the event that my colleague does not, I am not willing that this matter shall come to a vote or become final in this body without a statement that will make it clear.

Mr. BORAH. I yield to my colleague, that he may make a statement, which will undoubtedly represent my views.

The PRESIDING OFFICER. Does the Senator from Idaho yield the floor?

Mr. BORAH. I do.

The PRESIDING OFFICER. The Senator from Idaho yields the floor.

Mr. HEYBURN. Mr. President, this is not a case for any extended remarks, but the situation which confronts us is unusual, and there is danger that not only within this body, but in the country, the action of a Senator might be misunderstood who would vote to strike out of this bill the provision that was the inducement for voting for it.

When the bill was about to be voted upon on its final passage I stated that, except for the fact that it carried a provision which would relieve the Reclamation Service from an embarrassing situation, I would not, so far as I could prevent it, permit the withdrawal portion of the bill to be enacted.

With the understanding, Mr. President, that the separation of these items is not now or at any time to be taken as a consent or acquiescence on my part—and I speak only for myself, and my colleague indicates that I may speak for him——

Mr. SMOOT. And for me.

Mr. HEYBURN. And for the Senator from Utah. It is not to be taken now or at any time or under any circumstances as an acquiescence on the part of the Senators indicated in the striking out or abandonment of the provision contained in this bill for the completion or continuance of the reclamation work by an appropriation adequate to the necessities of that service.

The understanding is that not less than $20,00,000 shall be advanced by the Government of the United States to the Reclamation Service for the purpose of continuing the work in that service; that this provision shall be made at this session of Congress, and shall become a law by receiving the signature of the President of the United States before the adjournment of this session of Congress It is with that understanding only that consent will be given at this time to the elimination from this measure of the bond provision.

Now, I speak only for myself. The provisions in this bill relative to the withdrawal of public lands are as obnoxious as any legislation could possibly be. I do not intend to indicate or to be understood that because we are to have the $20,000,000 for the worthy and meritorious purpose I am willing to concede that this is wise, necessary, or proper legislation.

I desire, in a word, to pay my respects to this withdrawal proposition. I take it as a confession that the administrative and executive officers of the Government—and I do not now speak of the head of the Government—are incompetent and incapable of administering the laws of the land relative to the disposal of public lands and the rights of people to enter upon them. They want to draw their salaries and hold their offices and expend the money of the Government of the United States and be excused from executing and administering the law. That is the position it presents to me.

My colleague is just addressing very appropriate remarks to the question of the relation between the public lands of the United States and the people of the United States. The right of the people to these public lands is limited to that part of the people who are willing to go there and who do go there and get them. They are clamoring for them. But certain branches of the Government say that "it is too much trouble to administer the laws; we desire to be relieved from the burden of doing it; we desire that the laws may be suspended whenever we may recommend that measure to the Chief Executive." The President of the United States acts upon the statements that are made to him by those people who desire to be relieved from the performance of the duties that they are paid to perform.

Congress is inclined to give the President the power, but I trust in the wisdom of the President to exercise that power wisely. I have not one word of animadversion to utter in regard to the faith and ability of the President of the United States. I have absolute confidence in his judgment, in his integrity, and in his realization of the duties and responsibilities of his great office. In my judgment, no man has ever occupied that great office who excels him in those characteristics. I take pleasure in making that statement, because I make it from my heart.

But I do not at the same time commend those elements in the persons who necessarily must be intrusted with the carrying out of the details of the administration of the law. I will reserve judgment there to be applied to each individual case as it arises, and will take or reserve to myself, and I am satisfied others will, the right, and exercise the privilege of endeavoring, where the President of the United States is being imposed upon, to call the matter to his attention. With that great confidence which we all have in his judgment, the errors of this hour are not necessarily permanent; and as he learns from experience that those who represent the States in Congress are entitled to credit for intimate knowledge and for the inspiration of good faith and reasonable intelligence, certified by the people of the States, then their voice will be more potent than that of a special examiner.

Mr. President, that this matter must be dealt with is apparent, and with the understanding I have stated, I will so far as I am concerned throw no further obstacles in the way of the disposition of this matter, reserving to myself the right at any stage to interpose when it may appear that here or elsewhere that it is not to be carried out in good faith. I except the President from that, because there is not the slightest possibility or probability against his carrying it out in perfect good faith to the extent of his ability—and he has it—the understanding. But should a condition arise in the Congress of the United States anywhere that would indicate that the purpose that actuates us in allowing this measure to be considered at this time, rest assured that some means will be found to stop it then and there effectually.

Mr. JONES. I was not present when this matter was called up. I gather from the remarks of the Senator from Idaho that there is an understanding relating to the disposition of this amendment on the withdrawal bill that there will be the passage by the House of a bill providing for $20,000,000. There is nothing in that understanding which will prevent the Senate from acting in perfect good faith to increase the sum of $20,000,000 to our original proposition of $30,000,000?

Mr. SMOOT. No. To be absolutely frank, I would say that there is an understanding that it will not be more than $20,000,000.

Mr. GALLINGER. I will ask, if I may be permitted, who are the parties to this deal?

Mr. SMOOT. I understand it is impossible to pass through the House of Representatives an amount more than $20,000,000, and that the Representatives or the Senators representing those Western States have thought proper, if that is all they can secure at this session of Congress, to accept that rather than the $30,000,000 the Senate passed.

Mr. GALLINGER. I think it ought to be put in that way, and not go out to the country as though somebody has made a bargain. Any bargain that may be made does not foreclose me to oppose the provision at $20,000,000, as I did what I could to oppose the project at $30,000,000.

Mr. SMOOT. Of course, we all understand that.

Mr. JONES. I simply desire to state that I do not care to be made a party to a proposition to prohibit any amendment here in the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

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

The title was amended by striking out the words "and for other purposes."

POSTAL SAVINGS DEPOSITORIES.

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. CARTER] that the Senate agree to the amendment of the House to the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for the repayment thereof, and for other purposes.

[Mr. BORAH resumed and concluded his speech, which is here printed entire.]

Mr. BORAH. Mr. President, in his work on Democracy in America De Tocqueville uses the following language:

> It profits me but little after all that a vigilant authority should protect the tranquillity of my pleasures and constantly avert the dangers from my path, without my care or my concern, if this same authority is the absolute mistress of my liberty and of my life, and if it monopolizes all the energy of existence that when it languishes everything languishes around it; that when it sleeps everything must sleep; that when it dies the state itself must perish.

This is De Tocqueville's tribute to local self-government. Or, rather, you might say, it is his anathema upon the attempt to administer local affairs, to deal with essentially local matters by a government removed in distance and the influence of the people of the States. I commend it to the consideration of those who are seeking to administer the material affairs of the people in their respective States through bureaus at Washington.

I quote again from the same author:

> It is no doubt of importance to the welfare of nations that they should be governed by men of talents and virtue, but it is perhaps still more important that the interests of those men should not differ from the interests of those of the community at large.

I commend this also to the consideration of those who feel and seem to know that they are specially equipped in talents and virtue to direct the affairs of the people, for while conceding their claim there is the other side of the question that there may be, possibly, the lack of community of interests. No one would enter upon a discussion as to their especial fitness or their supreme virtues. But there are those who

nevertheless believe that as human nature has its limitations, generally speaking, it is of the utmost importance that the views of those be had who are actually engaged in reclaiming the desert, utilizing the waste places of the earth, and carrying on the real contest for conservation.

Again, says the great author:

I maintain that the most powerful and perhaps the only means of interesting men in the welfare of their country which we still possess is to make them partakers in the government.

This is as profound a truth as is found in his remarkably worthy work. In these days when the propaganda for popular government, with which many of us sympathize, seems to be taking on new life, let us not lose sight of the fact that a community which is unprepared and unfit to take care of its own matters and protect its material interests is utterly unfit and unprepared to assume a larger responsibility in the affairs of the Government.

We can not succeed by asserting, upon the one hand, that the people in their respective States and communities are incompetent to deal with their material affairs, but are prepared to assume the larger responsibilities of government. If we are to assert the policy which implies moral delinquencies and intellectual unfitness upon the part of the individual citizens, then we must be prepared not to extend his political powers, but to withdraw them. If a man is intellectually an idiot or morally a vagabond or economically a failure, it is certain that he ought to be politically a nonentity.

Those who are asserting that there should be an enlarged and an increased political power given to the individual citizens can not consistently insist that their right to administer and control and take care of their material affairs in the States should be withdrawn. A man who is incapable of administering a local government, dealing with the affairs of his home, his fuel, his light, and his material success, is incapable of dealing with questions which have to do with the well-being of 90,000,000 of people as a whole.

Mr. President, in 1825 the State of Indiana began its fight for the utilization by the citizens of that State of her natural resources. She was joined at the time by Illinois, Missouri, Alabama, and a number of the other great States of the South and Middle West.

The argument which was made by the States of Indiana and Missouri and the other States was that the people of the respective States should have the benefit of the natural resources found within the State, the right to develop and to utilize them and administer them, and that those natural resources were safer in the hands and under the control of the citizens of the respective States than they would be if they were administered or controlled by authority from Washington.

They were successful. The great contest was led by Mr. Benton, of Missouri, Mr. Clay, of Kentucky, and others, who insisted that the natural resources situated within the limits of the State were a part of its wealth, a part of that of which great Commonwealths are made, and that the theory of our Government was that as to all such matters they should be left to the control of those in the States where the resources were situated.

In 1846 the agitation began for the homestead law. This agitation lasted for sixteen years, and while we have in a large measure forgotten or overlooked it, it was one of the great battles which has been fought over the utilization of our natural resources and for the principle that the people in the respective States could and should be intrusted to take hold of, control, administer, use, and develop those resources. It was a notable contest, in it were some of the greatest minds and purest patriots of that or any other period of our history. It was in another form the contest over again between those who had little faith in the citizen and great faith in a bureau, and those of large and abiding faith in the citizen and no faith in anything in government above him.

The argument against the homestead law from 1846 to 1862, when it was signed, bearing the signature of Abraham Lincoln, was that this vast domain, which then belonged to the Government, was the property of all the people; that it should be retained as a vast estate; that from it there should be derived a revenue for the purposes of paying the expenses and the taxes of the Government; that it should be utilized, if need be, in time of war as a basis for a loan; and in full that these vast resources should be held by the Government and administered by the Government for the benefit of the Public Treasury, and withheld from actual settlement and individual ownership by the American citizen.

This contest was waged for some sixteen years, and those who might be interested in the subject by reason of the new questions of the day could well afford to utilize their time in going back and rereading the debates of that day.

I desire to read from a speech delivered by Senator Hale, of New Hampshire, which could well apply in answer to many of the contentions which are made at the present time. Senator Hale, upon the 24th of May, 1858, said:

Mr. President, I come from one of the old States, and I appreciate the appeal that has been made by the Senator from South Carolina, in regard to the manner in which the public domain has been administered. It is fifteen years since I was first a Member of Congress. From that time to the present my observation has taught me, and my convictions have strengthened, that the old States have nothing on earth to expect from the public land. Various attempts have been made at various times to interpose something in their behalf, but the day has gone by—no, sir; it has not gone by; it never existed. They never have got anything, and they never will, and they never can. The only satisfaction the old States can have is that the domain was procured by their blood and treasure. The benefits of it are to go to the new States. I know it, and it is useless to contend against it.

I live in New Hampshire, one of the severest climates and one of the most ungrateful soils, perhaps, of any State in the Union. I know it is utterly idle to indulge the hope that all our young men, as they grow up, will stay with us. No, sir; they will go out; and they will go out and people the new States and Territories. I have traveled somewhat extensively in the West, and wherever I have gone I have found the young men of New Hampshire, who have left her severe climate and ungrateful soil and gone out to this western country and settled. Some of them, like my friend from Michigan [Mr. Chandler], come back here as Senators occasionally. But as they are to go out and settle there—and they will go out, and we can not keep them at home—all we can do is to give them our blessing and our title to the land. Let them have it; I am willing they shall take it.

But now I want to say a word that has been brought out by an allusion made by the honorable Senator from North Carolina in regard to a class of men who are not particularly interested in this bill. I mean the agrarians. It is customary and it is fashionable, and it has been for more than eighteen hundred years, when you wanted to put a thing down in everybody's mind, to denounce it as agrarian; and the idea has been prevalent that if you could fasten upon a proposition the term "agrarian," you made it odious to every honorable mind. Sir, if there ever was a class that the page of history has brought down to this country that is entitled to the commendation, to the warmest gratitude, to the admiration of every philanthropic and democratic heart, it is that much-abused class upon whom history has heaped her libels for eighteen hundred years—the agrarians. The discoveries of the modern historian have brought no more grateful tribute to the altar of truth than the redeeming of that much-abused class from the odium which has so long rested upon them.

Sir, the agrarians of the olden times were the friends of humanity; they were the patriots; they were the honest, the upright, the bold, and the unflinching advocates of equal rights, equal laws, and equal privileges. It is a mistake, a gross mistake, to say that the agrarians ever contended for what it is so fashionable to attribute to them at the present day—an equal distribution of property and of the public land. No, sir; the agrarians saw in olden times, as the agrarians see to-day, that the public domain of the Republic of Rome, after it had been won by the blood and treasure of the common people, the plebians, was engrossed in the hands of an aristocracy, and that they had no part or lot in it. They saw and they felt, as agrarians have seen and felt ever since, that the part which society required of them was to labor, to toil, to go to battle, to fight, and to die, and to conquer territory from other nations, and, when it was acquired, to see it grasped, absorbed all in the hands of a grinding and inexorable aristocracy; and when they saw that they strove against it. I do not care what you may say of any of those who figure upon the page of history, the warmest sympathy of my heart and its deepest gratitude is due to those much-abused, calumniated agrarians, the old Gracchi of Rome, who were slain by a mob composed of the men of property and standing in Rome.

Sir, it is that same spirit to-day which would lock up your public domain and keep it to be doled out to great, gigantic corporations, and to be dealt with in any other way except to make it what I believe God Almighty intended the world should be when he did make it, and that was a home for man to live on. Sir, I want to see the country come up to that. If they will not quite come up to looking on the earth as a place for man, it will be some beginning if they look on it as a place for white men to live on; and when they have realized that idea, perhaps, by and by, in the progress of truth, such light may dawn on us that we may work our spirits up to the conviction that God actually intended that black men should live upon the earth somewhere.

It is in view of this that I shall make up my mind to go for this bill. My State, as such, will never be benefited by it one dollar; it will be injured; but I know when we have such men as my friend from Michigan we can not keep them; they will go; and the only question is whether we shall give them a homestead and blessing or give them a blessing without a homestead. That is all. I am willing to give them a blessing and a homestead, too. It is for the reason that I know it is hopeless to think the old States will ever get any benefit from the public domain that I am willing to give it to men who will cultivate it.

I sympathize a good deal with what was said by the Senator from Wisconsin, but I do not go quite so far as he did. I think in a primitive state of society, before they got to making deeds and signing and sealing, occupation was a good title; but since we have had courts they have got an idea, somehow or other, that these papers, wax seals, handwritings, etc., do sadly interfere with the right of occupancy, squatting, or whatever you please to call it. That might do as a theoretical disquisition upon a new world, if God should see fit to make one and give it to us, and I do not know that it would not be good philosophy, but at the present day it would not do. These ugly deeds, these seals, these signatures, and these courts who enforce them are great obstacles in the way of the idea of possession. I know that possession is a good title in law; it is said to be, I believe, 9 points out of 10. But, aside from all that, I think the best thing you can do with the land is to give it away. I do not mean to give it away in the way it was distributed to the Wisconsin legislature [laughter], but I mean to give it away in something like the way proposed by the Senator from Tennessee; or I am not entirely certain that I do not prefer the proposition of the Senator from North Carolina; but one of the two. For these reasons I shall give the measure my support.

Mr. President, I recur to those old records in the hope of inducing some of our friends who are haunted with a dying faith in the integrity and intelligence of the common man to go back and read them. There were those in that day as in this who declared that the vast public domain belonged to "all the people;" who declared in effect that "all the people" were weak and incapable of taking care of this domain should it be parceled out among them. Therefore the plan was to retain title in the Government and make of this vast estate a revenue-producing proposition to pay taxes of the Government, to care in different ways for the people who were not able to take care of themselves. The Government, said they, will shield the faltering and protect the American citizen from the absent landlord, from monopoly, from avarice and greed. The Government was spoken of, as it is now, as some stranger, beneficent in purpose and all wise and wholly separated from the people who constitute it. It was a great political philosophy. It had two vices, however, which insured its sudden demise. It was built upon a false theory which has been the plaything of fools since the creation of the world, to wit: That the Government is better and more wise than the people who constitute it; and, secondly, it lacked faith in the self-governing, self-contained, and self-dependent manhood of the American citizen.

On the other hand, there were those with larger vision and saner views and stronger faith. They knew this Government could not exist for a decade after the American citizen had ceased to be able to take care of himself in the personal affairs of life. They said those natural resources should go to the people in their respective States in which they are situated, to make homes and independent, self-reliant American citizens. They said they are bravely taking care of those resources and utilizing them to the best purpose. The citizens upon whom we rely to protect the Government itself can protect their homes and best utilize those lands. Therefore the Hales and Houstons and Lincoln said: Give these resources, the wealth in the respective States, to those who will bona fide and in good faith utilize them, and let them become subject to the dominion and control and administration of the State. And the doubts and fears of the many gave way at last to the faith, the never-faltering faith, of Lincoln, and the public domain of America was devoted to home building.

In the more noted events of that day the struggle which fixed the land policy of the Government has been overlooked or forgotten. But to my mind the hand which attached its signature to the American homestead law was as true and faithful to the heart and mind which directed it as it was in any other instance of that noted career. I need only point you to the great Commonwealths which have grown up under this policy—those Commonwealths of homes and thrift filled with a people perfectly capable of taking care of their own and of guarding their heritage—those powerful and invincible States of the Middle West.

I need only say to you that the great monopolies of this country do not exist and have not been aided by reason of the fact that the titles to our natural resources passed into the hands of the individual citizen. Monopolies have been built up in different ways than that, and monopolies will be controlled, not by distrusting the individual citizen. Put your faith in the common citizen; give him the reins of government; make him the owner of his home; and let him grow to full stature of free citizenship and our institutions are safe. But distrust the citizen, take from him the responsibility of government, the responsibility of caring for the material beneath which is the basis of his Commonwealth's power, and you imperil the foundation stones of our whole free fabric—our entire scheme of representative government.

Sir, there is not an acre of public land in America capable of making a home that it is not an indefensible crime to withhold from the man who would so utilize it. The government which is spending its millions for war ships, its millions for standing armies, its millions for public buildings, its millions for additional offices and officers, its millions for display, and will not find and make homes upon and out of the public domain for its home hungry people may be a republic in name, but it is untrue to the great principles upon which is founded a republic in fact. Those who stand in the way of wise and speedy action in such a case may be friends of some who seek the favors of national legislation, but wittingly or unwittingly they are not the friends of the home builder or the people of the republic which they profess to serve.

Out on the desert in the West, struggling in every way which their ingenuity can devise to protect their homes until the water which they stand ready to pay for and which the Government promised to deliver reaches them are men and women from every State in the Union. There is not a Senator upon this floor who would not be able to find some of the best citizens of his State, connected with the best families of his Commonwealth, lately removed there. They are anxious to get a home. Gradually through delay of the Government they are being forced into absolute need. To leave them in the situation of victims of the Government's invitation and dilatory methods when they offer to pay every dollar of expense would be a shameless betrayal of public duty which no Congress will do when it fully understands the situation. Not a dollar of expense will ever fall to the Government. The homesteader stands ready to have the entire burden put upon his land. He only asks that the Government fulfill its contract and that he be given a chance to secure a home at his own expense upon what is known as the American Desert. Turning the desert into a prosperous community at the expense and through the energy of the settlers alone looks to me like practical conservation. This ought to enlist the enthusiasm and support of those who are earnest and devoted believers in conserving our natural resources. If those who believe the principle of conservation to be the greatest question of to-day continue to "pass by on the other side" from the man engaged in the actual struggle for existence, the American people will come to believe after while that after all this is but an ostentatious and Pharisaical display of efforts that live only in dress parade. While conventions are being held and literature teems with plaintive platitudes about caring for the "small man," about looking after the interests of all the people, while speeches in Congress and out of Congress deal with "consecration to the cause of giving every man an equal chance," while we are being told that the first consideration of our Republic is to have a nation of homes, the real man in the case, the home builder, is marooned on the American desert, fighting the real battle of conservation.

I have no doubt, Mr. President, that as he looks out upon the burning desert, cleared for cultivation and waiting for four and five years for water, estimating how much longer he can possibly hold out, he is greatly moved by this discussion which is going on about scenic beauty and hunting parks and the fearful situation of generations yet unborn. While his wife and children suffer privations of pioneer life, deprived of schools; while he is threatened from day to day with cancellation of his title to his homestead upon which he has put his last dollar, he is no doubt cheered with the news that Andrew Carnegie has promised to deliver an address to the conservation congress on how to make home life on the farm pleasant. If he seems stolid to all other matters, if he is not moved by the eloquence of Mr. Carnegie, who has earnestly and energetically devoted his entire life to conserving all the natural resources in sight, he will certainly be unusually hopeful when he learns that by an extraordinary maneuver the Secretary of the Interior has withdrawn 10,000 acres of power sites in the Sawtooth Mountains, which will undoubtedly prevent some grinding monopoly from exacting exorbitant charges from the only inhabitants of that fertile region—the mountain goats. By this time the homesteader is ready for retirement to pleasant dreams, and he opens his family Bible and reads:

> Ye hypocrites, well did Isaiah prophesy of you, saying this people draweth nigh unto me with their mouth and honoreth me with their lips, but their heart is far from me.

Mr. President, I presume that most of us have heard a good deal of late with reference to conserving the natural resources for the benefit of the "small man." I do not know of anyone who is opposed to that proposition. I do know that the only man who has suffered by reason of the present policy is the small man. I do know that where that policy has pinched it has been the small man. I do know that the advantages which have been derived from the policy have been with the large men. I do not mean to say for a moment that that is the intention or the purpose of those who are advancing that policy. I do say, however, that it is the result of it, and those who are in favor of conserving our natural resources for the benefit of the individual citizen must modify their policy which is at present obtaining with reference to this all-important question. Let them cease to deal with theories and take up the question of serving the "small man," and we will join them. But we have seen the "small man" driven from his homestead, driven to other lands, and we are no longer infatuated by lay sermons upon virtues which no sane man challenges.

I want to discuss for a time one phase of what is called the conservation movement, and that is the question of dealing with our power sites. What I shall say from this time forward in my speech relates largely or practically to the question as to what we should do with reference to the control and development of our power sites.

I believe in the regulation and control of power plants for the development of our power sites, and the only question which I desire to present is the question which sovereignty shall do the work, whether it shall be done by the Federal Government or by the state government. The State alone, in my judgment, can deal properly with the subject-matter both as a practical proposition and as a legal proposition.

In addition to the legal proposition it is essentially a local matter. It is one of those things which belongs peculiarly to the locality in which the power sites are physically located. I do not believe that I am outside of the doctrine of one who is generally styled as the author of the conservation movement and for whom I have a most profound respect when I advance that theory. The ex-President said in his message to the governors' congress:

> In matters that relate only to the people within the State, of course the State is to be sovereign and should have power to act. If the matter is such that the State itself can not act, then I wish, on behalf of the State, that the National Government should act.

When it is clear that it is a national proposition and the State can not deal with the subject-matter it will be sufficient time to discuss the proposition of the Federal Government taking hold of it. When it is clear that it is essentially a local matter with which the State can deal and with which the State can deal more successfully, both under the letter and the spirit of our Constitution, it should be dealt with by the State. We should give some consideration to the question of our Constitution in dealing with these questions of conservation.

Dr. Woodrow Wilson stated in a notable speech, which he delivered a few days ago, that while we should have regulation and control we should have such regulation and control as is provided for under the constitutions of our States and of our Federal Government, and that it is not necessary to proceed outside of the well-established legal principles in order to control entirely and completely the development of our great power plants and power sites and to dedicate them to the use of the people and to control them to their advantage.

In my opinion, federal control of our power sites means one thing, and that is a greater burden and higher charge for the ultimate consumer of the power. The Federal Government has, we will admit for the sake of the argument, the power to impose a license or a tax for the use of the physical property which it owns, and I am only admitting that for the purpose of the argument. But no one would contend that the Federal Government could follow that proposition as to a power proposition situated within a State and operated within a State, and fix the charge which the individual owner or consumer of the power should pay.

The rate which is to be charged to the ultimate consumer of the power is a thing within the control and jurisdiction of the State. If the burden is laid by the Federal Government upon the power plants, the power plants will pass it unquestionably to the ultimate consumer. The real object to be attained in dealing with this subject is a reasonable charge to the man who ultimately uses it or to the consumer in the respective States.

More than that, there can be, in my judgment, no national plan by reason of the different conditions prevailing in the public-land States from that which prevails in the older States.

For instance, Professor Gilmore, I think, of the Wisconsin University, has written, and there has been filed here his treatise upon the question of riparian rights. It is as clear, forceful, conclusive, and comprehensive of that subject as I have ever read in law books or elsewhere, and he reasons out to my mind to a correct conclusion, assuming his premises to be correct. But a national plan which should be based upon the facts which prevail in his State, and concerning which he was discussing, would have no application in the world in the State of Colorado or in the State of Idaho, and most of the public-land States, for the reason that riparian rights have been abolished in our State, and the doctrine of prior appropriation is made the rule. There will inhere in the beginning the difference in regard to that practice. In addition to that, the Government does not own any power sites except in five or six States in the Union. The Government would not have the hold to proceed in the State of Wisconsin or in any of the Middle States or in the Eastern States that it has in ours of the West.

As I said, we might admit that the Government by reason of owning the land could impose a license system, but when it was imposed the result would be that the five or six public-land States would be paying a tax which could not be imposed in the other States of the Union, and that I propose to discuss more at length in a few moments.

Mr. President, what is the relation of the National Government to the public lands and to the water in the respective States, including the water which flows over the public lands? I shall not discuss that at great length, but I want to put enough in the RECORD to enable those who are interested in the subject to know where the source of authority is, whether I shall this day be able to convince them as to the correctness of my position or not.

In England and at common law the bed and shores of all navigable streams were vested at first in the Crown, and anciently it was in the power of the King to convey the title to private parties. But this power was taken away from the King by Magna Charta, and it now rests with Parliament. The sovereign right of Parliament with reference to this subject-matter was transferred to the respective States at the close of the American Revolution and the acquisition of independence on the part of American States.

The States had the same control, the same authority, over the subject-matter, the beds and shores of the navigable streams and the water as had Parliament prior to the independence of the States. I think I might submit here, without hazarding a successful contradiction or any contradiction that the States have never transferred any part or parcel of that sovereignty to the National Government, save and except the right to control the streams for the purpose of protecting navigation. Outside and except the proposition of the power of Congress to deal with the subject of interstate commerce, and to keep the streams open for the purpose of protecting interstate commerce, the Congress of the United States has no control over the streams of my State, or of your State, or of the beds and water or water courses and streams in the respective States. When Congress has kept those streams open and usable for interstate purposes in the way of commerce, it has exhausted its power, and in undertaking to control them under the guise of regulating commerce, which does not have the purpose and legitimate object of regulating commerce, is to undertake to accomplish under the guise of a constitutional provision that which does not legitimately belong to the power.

The water and the streams of the States belong to and are subject to the control of the States and are not subject to the control of the National Government except in so far as it is necessary to control them in the regulation of commerce.

The public lands which the National Government possesses within each State it holds by no other and greater power than that which belongs to a private proprietor.

It is almost impossible in general discussion and in common parlance, in dealing with this subject, to separate in the public mind the sovereign power of the National Government from its proprietary right as a holder of public lands. Those who insist that many things can be done by reason of the National Government owning public lands within the States, inevitably attach to the proprietary right a governmental or sovereign power. The fact is, Mr. President, that the Government, which we may, for the purpose of individualizing, more specifically refer to here as "Uncle Sam"—Uncle Sam is the owner of public lands in my State just the same as are John Jones and William Smith. He has his proprietary right, and he may sell the land if he chooses; he may hold it if he chooses; and he may attach such conditions to it as any other proprietor would attach to the sale of his land. But will anyone contend that if Jones or Smith owns a piece of land in the State of Idaho, in selling that land he can attach any condition to it which will embarrass, hinder, or disturb the State of Idaho in exercising its sovereign power as a State? Can the United States Government, in dealing with these public lands as a proprietor, attach any condition to the sale of those lands which interferes with, embarrasses, or impedes the State's sovereignty from exercising its full power as a sovereign State?

The National Government has no power to prescribe for its grantees any general rules of law concerning the use of either lands or streams to which they are adjacent binding upon its grantees to become operative after the Federal Goverument has parted with title.

The rule concerning the holding and disposition of real property and of the use of waters within a State belong exclusively to the jurisdiction of the State. In other words, over the public lands within a State the United States has only the rights of a proprietor, and as soon as it parts with its title the conditions attached to the title must become subject to the regulation and control of the police power of the State.

The National Government has no power to deal with the use of water flowing over its lands except such as any other proprietor would have, and it can not, in dealing with this subject of water within a State, join its sovereign power to its proprietary rights for the purpose of effecting objects which it could not effect as a proprietor.

But what is the proposition? The position taken is, notwithstanding the fact, which is now very generally admitted, that the State owns and controls the water as the National Govern-

ment owns the power site, that the National Government may, in disposing of that power site, attach such contractual conditions as will enable the party holding the contract to impose burdens upon the water, or use it as he would not be permitted to do without the contract. What are we up against with that kind of a proposition? A simple presentation of the matter is, that which the Government can not do as a sovereign, it may do by virtue of a contractual relationship between an individual and the Government. While they admit that, as a sovereign, the Government can not control the water or impose a burden upon it or change the manner of its use, it is contended that by some process you may write a contract between a corporation and the National Government, which will enable a corporation to utilize that water contrary to law or the custom of the State. I undertake to say, Mr. President, that, if the National Government should issue a lease to an incorporation to-morrow covering the subject of rates for power in my State, the legislature of the State of Idaho, having created a commission for the purpose of fixing rates, could absolutely ignore any such contract and compel the party to furnish the power at the price fixed by the legislature of the State. It is one of the sovereign rights of the State to fix the rates, to control the property; and no contractual relationship between the National Government and any individual can take away that right.

I do not mean to be understood that I am opposed to control and regulation; I am specifically in favor of it. What I mean to say is, that it is a matter which belongs to the State, which the State alone can control, that it is essentially local, and should be placed under the jurisdiction and control of the State. As I propose to show in a few moments, the State which I have the honor in part to represent has devised and has in force the most complete and perfect system for the control and regulation of these power sites that to my mind could be conceived of, and one which could not be invoked or utilized by the National Government, for the reason that it has not the legal power to deal with the subject-matter.

The National Government can not under the guise of regulating commerce effect objects and purposes not authorized by the Constitution of the United States. Justice Marshall said:

> Should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land.

The modern idea that the United States can hold its public lands and property as the monarchs of Europe may do is foreign to our theory of government. In the case of Van Brocklin *v.* Tennessee the court said:

> The United States do not and can not hold property as monarchs may for private personal uses. All the property and reserves of the United States must be held and applied as the taxes, duties, imposts, and excises must be laid and collected to pay the debts and provide for the common defense and general welfare of the United States.

I now call attention to some of the authorities in support of the proposition which I have submitted.

The leading case upon this subject, as we all know, is the case of Pollard *v.* Hagan, going back to Third Howard, 212. The court considered very thoroughly in that case the relation of the National Government to the rivers and the waters, and laid down specifically the following principles:

> The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of the State or elsewhere except in cases in which it is expressly granted.

The court then calls attention to the sixteenth clause of the eighth section as the exception:

> This right of eminent domain over the shores and the soils of navigable waters for all municipal purposes belongs exclusively to the States within their respective territorial jurisdiction. And they and they only have the constitutional power to exercise it. To give to the United States the right to transfer to a citizen the title to the shores and the soils under the navigable waters would be placing in their hands a weapon which might be wielded greatly to the injury of the state sovereignty and deprive the States of the power to exercise a numerous and important class of police powers.

In conclusion, the court said:

> First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States and were reserved to the States respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case.

These principles in the case just referred to are fully borne out by a long line of decisions, to which I further call attention.

Black's Pomeroy:

> The United States Government has no power to prescribe for its grantees any general rules of law concerning the use of either lands or streams to which they are adjacent, binding upon its grantees, of public domain situated within a State and becoming operative after they have acquired their title from the Federal Government. The power to prescribe rules forming part of the law concerning real property belongs exclusively to the jurisdiction of the States. Over the public lands situated within a State the United States has only the rights of a proprietor and in no sense the legislative or governmental rights of a sovereign. Even with respect to navigable streams within a State the powers of the Federal Government are limited and a fortiori that is so with respect to streams which are unnavigable.

Martin *v.* Lessees (16 Pet., 410):

> When the Revolution took place the people of each State became themselves sovereign, and in that character held the absolute right to all their navigable waters and the soils under them for their own common use, subject only to rights since surrendered by the Constitution to the General Government.

Cose *v.* Toftus (39 Fed., 30):

> On the admission of a new State into the Union the shore or tide lands therein not before disposed of by the United States became the property of the States.

City *v.* McGinn (51 Ill., 295):

> Neither under the power granted by the States to Congress to regulate commerce with foreign nations and among the several States and with the Indian tribes, nor under any other provision of the Constitution or act of Congress, has this power of the States over the navigable rivers exclusively within them to render them useful for their domestic purposes been surrendered.

State of Illinois *v.* Illinois Central:

> Upon her admission into the Union, the State of Illinois became the owner of and acquired jurisdiction over the lands within her boundaries covered by the waters of Lake Michigan, subject only to such supervision and control of the use of said waters as might result from the exercise by Congress of its power to regulate commerce.

Withers *v.* Buckley (20 How., 84):

The question involved was the validity of an act of the legislature of Mississippi providing for the changing of the channel of what is known as the Homochitto and Old rivers, navigable tributaries of the Mississippi River, and the points decided were—

The act of Congress and the admission act admitting Mississippi into the Union provided that the Mississippi River and its tributaries should be common highways and forever free as well to the inhabitants of Mississippi as to the other citizens of the United States.

No act of Congress could have the effect of restricting a new State in any of its necessary attributes as an independent sovereign government, nor to inhibit or diminish its perfect equality with the other members of the confederacy.

A State has the inseparable power as a sovereign government to devise and to execute measures for the improvement of the State, although such improvement may necessitate changes in the navigable streams or highways of the State or change in the values of private property.

Congress can under no conditions exact of a State—even a State coming into the Union—the forfeiture or waiver of any of the State's inherent powers of sovereignty, or such powers as ordinarily belong to the independent State; nor can any State stipulate away anything of its sovereignty or in any way render herself less potent as a sovereign than the other States.

The opinion being that the powers belonging to the General Government are given to it alone by the terms of the Federal Constitution, and by no scheme can the General Government get any powers not there found.

On the other hand, a State can not, by compact or otherwise, deprive itself of any of its sovereign powers under the Constitution.

Escabana *v.* Chicago (107 U. S., 678):

This decision involved the right of the State of Illinois to place over and control bridges and ferries across the Illinois River, which river was wholly within the State, but was connected with channels of interstate commerce.

The points decided were—

The right of the General Government to control interstate commerce is exclusive only as to those matters which are national, general, and applicable to the whole country. (County *v.* Kimball, 102 U. S., 691.)

As to local matters, such as bridges, ferries, and so forth, the States are possessed of plenary power until such time as Congress acts.

The State has a right to dam, bridge, or control rivers as it sees fit, so long as it does not interfere with interstate commerce.

Congress has exhausted its power when it has kept the stream open for navigation.

But the State has full power, as a matter of internal police, to build roads, bridges, ferries, and so forth, so long as they do not interfere with interstate commerce, or so long as Congress has not legislated on the subject.

When the power of the State is used so as to interfere with commerce, Congress may legislate protanto to prevent such interference.

But until Congress does act, even an interference with interstate commerce may be had by the State as to local matters.

When a State is once admitted she possesses the rights which belong to the original States—a State can be admitted on no other basis. Equality of constitutional power is the right of all and of each of the States, and there is no method by which inequality can be established under the Constitution except by amendment to that instrument.

Corfield *v.* Coryell (4 Wash., C. C.):

This is a very strong opinion by Judge Bushrod Washington, involving the constitutionality of an act of the state legislature fixing the terms and conditions for oyster gathering in waters which were under the regulation of interstate commerce.

The points decided were these:

The law of a State regulating the use of waters for fishing or oyster gathering in no way interferes with interstate commerce. Therefore, although the law relates to interstate-commerce waters, the National Government can not interfere.

This power (to regulate commerce), which comprehends the use of and passage over the navigable waters of the several States, does by no means impair the right of the state government to legislate upon all subjects of internal police within its territorial limits which is not forbidden by the Constitution of the United States, even though such legislation may indirectly and remotely affect commerce, provided it does not interfere with the regulations of commerce upon the same subject. * * * Much less can that power impair the right of state governments to legislate in such manner as in their wisdom may seem best *over the public property of the State and to regulate the use of the same where such regulations do not interfere with free navigation of the waters* of the State for commercial intercourse. * * * The grant to regulate commerce contains no cession, either expressed or implied, of territory or of public or private property.

Palmer *v.* Commissioners (3 McLean, 226):

A dam may be thrown over the river, provided a lock is so constructed as to permit boats to pass with little or no delay.

A State, by virtue of its sovereignty, may exercise certain rights over its navigable waters, subject, however, to the paramount power in Congress to regulate commerce. * * * In regard to the exercise of this power by the State, there is no other limit than boundaries of the federal power.

United States *v.* Bridge Company (6 McLean, 517), by Judge McLean:

This action was upon the part of the United States to prevent a company from constructing a bridge over the Mississippi River under the authority of an act of the Illinois legislature.

The points decided were—

The State may use the navigable rivers and construct bridges over the same, if in so doing interstate commerce is not interfered with.

When Congress has navigated commerce—kept the streams free for navigation—it has exhausted its power over the rivers and streams in a State.

Within the limits of a State Congress can, in regard to the disposition of the public lands and their protection, make all needful rules and regulations, but beyond this it can exercise no other acts of sovereignty which it may not exercise in common over the lands of individuals.

The proprietorship of lands in a State by the General Government can not, it would seem, enlarge its sovereignty or restrict the sovereignty of the State.

The Government is simply a proprietor, with the right of control and sale of its own holdings.

The State may, by the power of eminent domain, condemn rights of way across the public domain.

It is difficult to perceive on what principle the mere ownership of land by the General Government within a State should prohibit the exercise of the sovereign power of a State in so important a matter as the easements named. * * * In no respect is the exercise of this power by the State inconsistent with a fair construction of the Constitution of the power of Congress over the lands.

The rule of condemnation over the public lands only obtains as to lands which it holds as a proprietor.

But where lands are reserved or held by the Government for governmental purposes the State can not construct an easement over it.

The power of the State to construct a road necessarily implies the right not only to appropriate the line of the road, but the materials necessary for its construction.

In this case evidence was taken to determine whether the bridges would interfere with interstate commerce, and it was held that as they would not, the Government could not interfere. (Tucker's Const., v. 2, p. 550.)

A State may erect a bridge over a navigable stream—it is a part of the internal policy of the State—but if it obstructs interstate commerce, to that extent it is forbidden, but no further.

Pennsylvania *v.* Wheeling Bridge Company (13 How., 518; 18 How., 421):

In this case, under an authority granted by the legislature of Virginia, a company constructed bridges across the Ohio River. The Supreme Court held that the bridges were an interference with interstate commerce. Congress then passed an act to the effect that the bridges were not an interference with commerce, and this act of Congress was held valid as proper regulation of commerce.

Points decided were—

That Congress has power to declare what is and what is not an interference with interstate commerce, and its declaration seems to be conclusive.

That Congress can regulate bridges over navigable streams to the extent of protecting commerce.

That as to purely internal streams or intrastate streams the public right of navigation and control is under the control of the State.

That Congress and a State can not enter into any compact which will change the powers and functions of the General Government or the powers and rights of a State.

United States *v.* Chicago (7 How., 185):

In this case the city of Chicago undertook to lay out streets across a military fort. It was held—

That a State or city can not condemn a right of way across a military fort or any grounds selected and set aside by the General Government for special use.

That as to the lands held by the Government simply as proprietor, the State or parties may condemn the right of way.

It is not questioned that land within a State purchased by the United States as a mere proprietor and not reserved or appropriated to any special purpose might be liable to condemnation for streets or highways like the land of other proprietors under the rights of eminent domain.

Ward *v.* Racehorse (163 U. S., 504):

The points decided in this case are—

Every State in the Union comes, and must come, in on the same basis as every other State. The State has the absolute right to control the game and the manner of hunting the same within the State. The admission of a Territory to statehood abrogates the terms of a treaty with Indians as to the right to hunt upon the public lands. The sovereign rights of the State can not be taken away by treaty or act of Congress.

Shively *v.* Bowlby (152 U. S., 1):

The points decided in this case were—

That upon American revolution the title and the dominion of the tide waters and navigable streams, and the lands under them, vested in the several States, subject to the power of Congress to regulate commerce.

The new States have the same rights as the original States in the tide waters and the navigable streams and the land under them.

However the United States may acquire this territory, whether by treaty or discovery or settlement, it takes the title and the dominion over the lands below high-water mark in trust for the future States to be created out of the territory.

The general rule is in this matter and among the States that the riparian owner does not, as to navigable streams, own to the thread of the stream.

The rights of riparian owners are governed by the laws of the several States, subject to the power of Congress to regulate commerce.

So long as the United States holds the country as a Territory they have all the powers both of a national and of a municipal government.

People *v.* Railway Company (15 Wend., N. Y. 113):

This was an action by the State in quo warranto against the bridge company for maintaining a bridge across the Hudson River, a navigable stream. It was held that under the authority of the legislature they had a right to construct and maintain a bridge so long as it did not interfere with interstate commerce.

"It is a proposition not disputed that but for the power granted by the Constitution to Congress the state legislatures would have as full and entire control over the waters of their several States as they have over the land. * * * I think I may safely say that a power exists somewhere to regulate bridges over waters which are navigable if the wants of society require them provided such bridges do not essentially injure navigation of the waters which they cross. Such power certainly did exist in the state legislature before the delegation of power to the Federal Government by the Federal Constitution. It is not pretended that such a power has been delegated to the General Government or is conveyed under the power to regulate commerce and navigation. It remains then in the state legislature or it exists nowhere. It does exist because it has

not been surrendered, any further than such surrender may be qualifiedly implied—that is, the power to regulate bridges over navigable streams must be considered so far surrendered as may be necessary for a free navigation upon those streams. * * * There can be no question, therefore, that the state legislature has the power to build bridges where they shall be necessary for the convenience of its citizens. The right must be so exercised, however, as not to interfere with the right to regulate and control the navigation of navigable streams."

Smith *v.* Lewis (8 N. Y., 472):

"The people in their sovereign corporate capacity own the bed of all waters within the State."

Hudson Water Company *v.* McCarter (209 U. S., 353):

In this case the defendants were proceeding under contract with a town of New Jersey to lay mains through its streets to carry water over into the State of New York. By other contracts it was getting water from the Passiac River. The State of New Jersey, reciting the need of preserving fresh water for the State, passed an act making it unlawful for any person or corporation to transport or carry through pipes, ditches, or canals the fresh waters of the State into another State for use therein. Under this act the parties were being prosecuted. The points decided were—

All rights tend to declare themselves absolute to their logical extreme.

But all rights are in fact limited by the neighborhood of principles of policy which are other than those upon which the particular right is founded.

The limits set to property by other public interests present themselves as a branch of what is called police power.

The State as a quasi sovereign and representative of the interests of the public has a standing in court to protect the atmosphere, the water, and forests within its territory, irrespective of the assent or dissent of private owners of land most immediately concerned.

Few public interests are more obvious, indisputable, and independent or particular theory than the interest of the public of a State to maintain the rivers that are within it substantially undiminished except by such drafts upon them as the guardian of the public welfare may permit for the purpose of turning them to a more perfect use. This public interest grows more pressing as the population grows.

Private right to property is subject not only to the rights of lower owners but to the initial limitation that it may not substantially diminish one of the great foundations of public welfare and health.

McCready *v.* Virginia (94 U. S., 391):

The principle has long been settled in this State that each State owns the beds of tide waters within its jurisdiction unless they have been granted away. * * * In like manner the States owned the tide waters themselves and the fish in them so far as they are capable of ownership while running. * * * The title thus held is subject to the paramount right of navigation, the regulation of which in respect to foreign and interstate commerce has been granted to the United States.

St. Anthony Power Company *v.* Company (168 U. S., 349):

In this case a review of the authorities is found. The court held that the property rights of riparian owners are determined by the law of the State, and that the act of Congress making the Mississippi a common highway does not impair the title and jurisdiction of a State over the navigable waters within her boundaries.

St. Louis *v.* Ramsey (8 L. R. A., 559):

The title to lands covered by rivers which are navigable in fact is in the State, whether the tide ebbs and flows or not.

Black's Pomeroy (secs. 25–26):

It should be remembered that under the statute of 1866 and July 9, 1870, the waters bordering upon or running over public lands are subject to appropriation by individuals, and that subsequent grantees of the Government of such lands take the same subject to any rights so acquired by prior appropriators. In other words, the Government by legislation recognizes the right of individuals to appropriate the water from and upon its own lands, and thus separate the water from the land, while the title to the land is in the Government (Lux *v.* Haggin, 69 Cal., 255; Lytle Creek *v.* Perdue, 65 Cal., 447; Broder *v.* Co., 101 U. S., 274), but the act of 1866 can not be held to authorize such an appropriation as would destroy the navigability of a stream. (United States *v.* Rio Grande Co., 174 U. S., 706.)

Black's Pomeroy (sec. 29):

Over its public lands within the territory of a State the United States has only the rights of a proprietor.

United States *v.* Rio Grande Company (174 U. S., 706):

In this case the Supreme Court clearly stated that the only limitation to absolute control upon the part of the State of waters within the State or streams flowing through were, first, the right of the National Government to regulate interstate commerce; and second, the right of the National Government as an owner of the land to have water flow as it was accustomed to flow, as any other riparian owner. The court said:

It is also true that as to every stream within its domain a State may change its common-law rule and permit appropriation of the flowing waters for such purposes as it deems wise, subject to two limitations: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of land bordering on a stream to the continuous flow of its waters, so far, at least, as may be necessary for the beneficial uses of the government property; second, that it is limited by the supreme power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States.

Kansas *v.* Colorado (206 U. S., 461):

In this case Kansas sought to enjoin Colorado from appropriating the waters of the Arkansas River for the purpose of reclaiming its arid land. The Government intervened, claiming that it had supervisory control over the waters of such river for the purpose of reclaiming the arid lands in which it was a large owner and holder. The court dismissed the Government's petition of intervention and held that it had no such control over the waters, that the control of such stream, except for navigable purposes, was in the States. The court said:

The primary question is of course the national control.

The court then states the exact position of the Government in the following language:

In other words, the determination of the rights of the two States inter se in regard to the flow of waters in the Arkansas River is subordinate to the superior right on the part of the National Government to control the whole system of reclamation of arid lands. That involves the question whether the reclamation of arid lands is one of the powers granted to the General Government.

The court then states, in substance, that if any such power exists, it must be found among the grants of the Constitution, that such power is not found in the enumeration of powers granted to Congress by the eighth section of the first article of the Constitution. Neither is it found in the second paragraph of section 3 of Article IV, relative to Congress having power to dispose of and make all needful rules and regulations respecting territory or other property belonging to the United States, the court saying with reference to this section:

Clearly, it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits.

Neither is such power found in "the doctrine of sovereign and inherent power," for the court says:

The proposition that there are legislative powers affecting the Nation as a whole, which belong to, although not expressed in, the grant of powers, is in direct conflict with the doctrine that this is a government of enumerated powers.

The conclusion of this argument is reached in the following language:

It is useless to pursue the inquiry further in this direction. It is enough for the purpose of this case that each State has full jurisdiction over the lands within its borders, the beds of streams, and other waters.

This case is a specific and definite answer to the nebulous doctrine of inherent power which is being invoked in these days for the purpose of doing things outside of the grants of the Constitution. This Government has no powers as to internal matters other than those enumerated in the Constitution. All other powers were reserved either to the States or to the people, and if they are such powers that the States individually can not exercise them, then they are still in the people, and the people can give them to the National Government by an amendment to the Constitution. There is no principle of constitutional law more sacred under our form of government than this. The ignoring of it wrecks the whole fabric of constitutional government.

Ex-Senator Teller said in a discussion of this matter:

Congress can not attach conditions of a character to impair the sovereignty of the State in the exercise of what is denominated the police power of the State, nor that will put on the State, burdens not allowable in other States. It can not convey its lands with a provision that it shall not be taxed by the State, or that it shall not be subject to the power of the State, in all respects as land held in other States; as the Constitution guarantees equality of sovereignty to each State, if the Government of the United States can control the use of water in the public-land States and not in the States not having public lands or where the lands have been disposed of by the Government, the equality of sovereignty does not exist.

And again:

The Government might through Congress sell its land, or give it away, or protect it from spoliation as any other landowner might. But Congress must provide for such sale or protection. The courts have declared, both state and national, that it holds its lands *as proprietor* and not in its sovereign capacity. The Government is a landowner within the States, and such *lands are subject to the police* power of the States.

Curtis H. Lindley is one of the foremost lawyers in the country, the author of a standard text-book upon mines and min-

ing—a man who has devoted many years to the study of subjects similar to the one we are discussing, and I quote from a late address of his before the bar association of San Francisco:

IV.—WATER-POWER SITES.

Each State upon its admission to the Union enters into a compact by which it agrees that it will never interfere with the right of the National Government to dispose of the public lands in such manner as Congress may prescribe. Under a similar compact the States exempt these lands from taxation.

The Federal Constitution provides that the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other public property belonging to the United States.

This right of primary disposal of the soil does not contemplate the exercise of federal legislative sovereignty over the public lands. Public lands are subject to state sovereignty, the same as lands held in private ownership, unless in cases of property of the United States used for certain strictly governmental purposes, such as forts, arsenals, military reservations, custom-houses, etc., where the State, by legislation, has ceded exclusive legislative control to the National Government.

In considering the proposed conservation measures, as applied to the hydro-electric industry, we may accept without question certain fundamental postulates.

1. In dealing with its lands the National Government possesses no greater power than any private proprietor. It can not exercise a police power which belongs solely to the States, nor can it employ its sovereign governmental functions as an incident to the administration of the public lands. It can sell, lease, or otherwise dispose of its lands upon such terms as Congress may prescribe, but in so doing it is subject to the same rules as individual proprietors.

2. Its right to water flowing over the public lands is such only as are employed by any private proprietor of lands riparian to the stream. Rights in water are matters purely under the control of the States. The National Government has no power to grant rights to the use of water flowing over its land except such rights as are incident to the ownership of the land, and the limit and extent of these rights are found in the legislation and policy of the State.

3. It may prescribe the terms under which easements and rights of way may be acquired for such beneficial use of water, sanctioned by the laws of the State. But the public lands of the United States are subject to the right of eminent domain resident in the States, and may be condemned for such uses as are classified as public under the constitution and laws of the State.

Not only do the States have such authority over the waters within the State as belong to them by reason of their being territorial sovereigns, but these rights have been greatly strengthened by custom, acquiescence, and confirmatory law, in so far as the waters upon the public lands are concerned.

When the pioneer penetrated the arid West he found a new condition; he found that the riparian-rights system was at war with the necessities of the arid West, and he therefore adopted a rule which disposed of the common-law principle of riparian rights and invoked the rule of prior appropriation. The old doctrine that the proprietor was entitled to the water flowing past his land as it was wont to flow, would have held the great arid West as a desert for all time to come. The pioneer, the first great conservationist, dealing with this subject, devoted the waters of the arid West to the use of the people; and I want to say here, he devoted it to the use of the people in such a way that it is impossible for any man to monopolize the waters of the arid regions of the West. The late Secretary of the Interior said a few days ago that it would be unfortunate indeed to have some giant monopoly in control of the waters of the West. I would pause for some one to rise in his place and tell me how, under the rules which the pioneer invoked and which have been written into the law, you could monopolize the waters of the West? As stated by the Senator from Colorado [Mr. HUGHES] a few days ago, the monopolists have arrived in the West too late. The most practical statesman that ever dealt with practical subjects upon the American continent, the western pioneer, evoked out of his experience and his wisdom a rule which makes it impossible for any man to monopolize the waters of the arid West.

Mr. NEWLANDS. Mr. President——

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

Mr. BORAH. I do.

Mr. NEWLANDS. If the Senator from Idaho will permit me for a moment, I understood the Senator to challenge anyone upon this floor to point out a method under which the waters of the West could be monopolized, his assertion being that monopoly was impossible. Would the Senator yield to me for a few moments, if I should give him an exposition of how monopoly is possible in the West?

Mr. BORAH. I do not want to yield very long, but I should be glad if the Senator could present the question to me by an interrogatory.

Mr. NEWLANDS. I do not know that I could do that satisfactorily. I do not urge any interruption of the Senator, but, as he issued a challenge, I thought——

Mr. BORAH. I think, in view of my statement, that I will permit the Senator to give his exposition.

Mr. NEWLANDS. Mr. President, I will take my own State as an illustration, and then I will give as another illustration the State of California.

In the western part of Nevada we have three rivers having their sources in the Sierra Nevada Mountains, flowing toward the east, and "sinking," as the term goes, "in the desert." The Senator knows, of course, that that is not an appropriate expression. The waters simply flow into the lowest part of the desert, where they form great lakes, and those waters do not sink, but are evaporated by the sun. Those rivers are the Truckee River, the Carson River, and the Walker River, each of them having its source in lakes and streams in the Sierra Nevada Mountains and terminals in the lakes in the desert. All of them are being utilized for irrigation, two of them under a gigantic government irrigation enterprise.

I have reason to know that recently a great power organization, one of the most powerful in the country in its control of electric plants, bought certain rights of storage on Lake Tahoe and resisted the claim of the Government to the control of that lake. Their plans involve the utilization of every reservoir site on the Truckee, Carson, and Walker rivers. Their proposal to the United States is that, if the Reclamation Service will allow them to absorb all the reservoir sites, they will store the water for their electric power, and then let it run beyond their plants down to the reclamation works below, where it will serve a second useful purpose. The negotiation they had with the Government, which took the form of a contract, was that wherever the Government had any reservoir sites in forest reserves or otherwise, which it was proposing to develop for the Reclamation Service, those reservoir sites should be put under their control for power development. The argument was that in that way the Reclamation Service would save the expense of constructing dams for storage purposes.

I have not the slightest doubt that that enterprise will be successful, and that they will monopolize the waters of those rivers for the purpose of the power development, and I am not prepared to say that it would not be a wise thing that they should do so. All I insist upon is that measures should be taken now, both by the National Government by virtue of its ownership of certain of these sites, and the state government by reason of its sovereignty over public utilities, to see to it that that enterprise is conducted in such a way as to result to the public good, and not simply to the swelling of monopoly and monopoly profits.

Now, let me give the Senator another illustration. The Sierra Nevada Mountains are the sources of most of the rivers of California—the Sacrameto River with its tributaries, the Feather, and other rivers, and the San Joaquin with its tributaries, the King, and the Kern. Already a gigantic organization, embracing a capitalization of $70,000,000, has been formed in that State, involving the gathering together of numerous power plants that before were in divided ownership. Power is being developed also on the Sacramento River and on the Feather River; all the reservoir sites have been carefully searched out; and I have not the slightest doubt that but for the conservation movement and for the efforts which Mr. Pinchot made to preserve the rights of the people in their own property all of these reservoir sites would by this time have drifted into the control of three or four gigantic corporations, which in the near future would have combined with exaggerated issues of stocks and bonds.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. Those things are considered there. I have heard them talked about by men connected with the enterprises. Individually I have no objection to a combination, however large, that promotes a public utility. All that I insist upon is that the Nation within its jurisdiction and the Senate within its jurisdiction should cooperate in such a way as to give a fair proportion of the benefit of these gigantic enterprises to the people themselves, and not allow the entire benefit to go to monopolistic capital.

I will give just another illustration. We are now entering upon the development of our waterways in this country for every beneficial purpose——

Mr. BORAH. Mr. President, I would rather not yield for the Senator to discuss the waterways question now.

Mr. NEWLANDS. I was going to state it in just a word.

Mr. BORAH. But I desire to say now, in order that I may say it pertinent to the conclusion of the Senator from Nevada, that I agree perfectly with him that the National Government within its sovereignty and the state government within its sovereignty should control this situation. I think the only difference between us, perhaps, would be found in the end to be that my friend from Nevada would conclude that the National Government and its sovereignty was practically in exclusive control——

Mr. NEWLANDS. Oh, no; I do not claim that.

Mr. BORAH. While, in my opinion, the National Government has very little to do with the subject-matter at all, and

while I believe in regulation and control, it should be under the laws of the State. Now, one question further——

Mr. NEWLANDS. I agree with the Senator that the control must be largely of the State itself. The interest of the Government is, first, its interest by reason of being proprietor of the public domain and having the actual ownership of the various sites and reservoirs, and, second, its interest in navigation, which, in my judgment, reaches to the remote sources of every navigable stream and makes the Government a factor in the determination as to the policy which should be pursued regarding that stream.

Mr. BORAH. But I want to call the Senator's attention to the first monopoly to which he referred. It seems that the monopoly has not yet ripened into an actual fact, but that it is anticipated that it will. If I understood the Senator's argumen correctly, that monopoly could not exist, except for the aid which was given to it by virtue of a contract with the Reclamation Service.

Mr. President, that is one objection to the control by the National Government of the subject-matter if it could control it; that is, that at no distant day you would find that, in disregard of the individual rights of the citizens in the States, the bureaus at Washington would be making contracts upon which great monopolies could be founded.

But I come back to the proposition——

Mr. NEWLANDS. I will state, Mr. President, with reference to the monopoly——

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

Mr. BORAH. I yield for a moment.

Mr. NEWLANDS. With reference to the monopoly to which the Senator refers, I will state that I do not question at all the good faith of the Reclamation Service in making this contract, and I do not question that perhaps it may be the wisest and most economical thing to do. All I contend for is that, if the Reclamation Service had not asserted claim to these reservoir sites by reason of its contemplated projects, by this time the reservoir sites would all have been in possession of this monopoly anyway.

The Senator says the monopoly has not reached large proportions. It already controls practically the power on one river, the Truckee River—the most important of all—and it is going to reach out for the others. The enterprise, I may say, is a commendable one; I do not criticise the men who are promoting that corporation; they have courage and spirit, and they are willing to put their money into it.

Mr. BORAH. Mr. President, the statement which I made in the beginning still holds true; and, with all respect to the Senator from Nevada, he has not discussed the proposition which I submitted. He has not disclosed how anyone could monopolize the waters of the West, and I speak especially of my State. I do not know about the constitution and statutes of his State, but under the laws of Idaho you can not store and hold water. You can not buy water rights and permit them to remain in your possession against the rights of anybody who wants to use them. When water is not applied to a beneficial use under the laws of my State it reverts back to the public and belongs to the State. No one can go upon the Snake River, in the State of Idaho, and purchase 10 inches of water and hold it for sale until some one's necessity raises it to a higher price. When a person appropriates water in the State of Idaho he gets nothing but a license from the State to apply it to a beneficial use so long as he applies it to that use. If he has a power site, I may condemn it; if he has a water right which he is not using, I may compel him to turn it loose; if he does appropriate, he must apply it to a beneficial use or loose it; if he does apply it to a beneficial use, we fix the price he may charge for it.

I submit that, out of the wisdom of these old pioneers, came the first great conservation principle; and no one connected with the fight has ever added anything either to the wisdom or to the practical proposition involved in the statesmanlike theories of those old men.

The United States Government has, however, recognized, both by acquiescence and by statute, the right of a settler to appropriate the waters flowing over the public lands, and this right is valid both against the Government and any subsequent grantee of the Government.

One of these statutes is found in the desert-land act of 1877 and has not been given sufficient consideration. This statute provides—and I ask my friend from Nevada to listen—

> That the right to the use of water by the person so conducting the same on any tract of desert land of 640 acres shall depend upon bona fide prior appropriation, and such right shall not exceed the amount of water actually appropriated and necessarily used for the purposes of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the waters of all lakes, rivers, and other sources of water supply upon the public land and not navigable shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights.

Mr. President, under that statute what riparian right has the National Government by reason of owning the public land? What right has the National Government to ask that the streams which flow by public land shall continue to flow there as they were wont to flow?

Long ago, back in 1866, followed by the act of 1870 and by the act of 1877, the United States Government abandoned, in my judgment, in the arid-landed States the doctrine of the common law, and declared that the doctrine of riparian rights should hold no longer, and that all water flowing upon the public domain controlled by lakes and rivers and situated upon the public domain should be open to appropriation; and the result of it was that the doctrine of riparian rights ceased to be a doctrine even of the National Government in those States where prior appropriation was necessary to use the water.

This statute has received a very clear and conclusive construction by a decision rendered by Judge King, of the supreme court of Oregon, in the case of Hough *v.* Porter. This statute has also been construed by the Supreme Court of the United States.

Those of us who are familiar with the Colorado-Kansas case—and we all are, especially those of the West—know that Judge Brewer, in that very able opinion, declared that it was within the sovereign power of the State to fix the rule for the use of waters within the State, and that whether it should be riparian rights or prior appropriation was a matter for the State to determine. The court also laid down the doctrine that the Government was simply a proprietor and that as the owner of land within a State was the proprietor the same as any other proprietor.

I submit, if that be true, if it be true that the State of Idaho may fix the rule as to prior appropriation and riparian rights, and if it be true that the United States Government is simply holding the land as a proprietor, then what riparian rights has the Government by virtue of owning public land within a State?

In the case of Kansas *v.* Colorado, to which I have referred, the syllabi reads as follows:

> While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over these waters is, subject to the exception above named, vested in the State.

In the body of the opinion the court says:

> It (the State) may determine for itself whether the common-law rule, in respect to riparian rights or the doctrine which obtains in the arid regions of the West of the appropriation of waters for the purpose of irrigation, shall control. Congress can not enforce either rule upon any State.

If, therefore, as is well settled, the Government is a mere proprietor of the public lands, and if the State may control the riparian rights of that proprietor, must it not necessarily follow that in those States where riparian rights have been abolished, the Government has no riparian rights?

When the State of Idaho declared by its constitution that the doctrine of riparian rights was abolished, the United States Government, no more than any other proprietor, could claim any right as a riparian owner any more than after the land had passed to the individual, could the individual do so.

If that be true, Mr. President, then the only thing the Government has in regard to the power proposition is the land itself without any control over the water as a riparian owner or otherwise, and this matter is solely within the control of the State, and whatever rule of regulation or of control shall be fixed should be evoked from the wisdom and practical experience of those within the States who have to deal with the subject-matter.

Mr. President, I call attention here to the decisions on this question, which I have been last discussing.

The act of Congress approved July 26, 1866 (14 Stat., 253). Section 9 of this act, as subsequently incorporated in section 2339 of the Revised Statutes, is as follows:

> Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

This legislation was supplemented by section 17 of the act of July 9, 1870 (16 Stat., 218), which, as section 2340, Revised Statutes, reads as follows:

All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

The Supreme Court, in Broder *v.* Water Company (101 U. S., 274, 276), said:

It is the established doctrine of this court that rights of miners who had taken possession of mines and worked and developed them, and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation, in the region where such artificial use of water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged and was bound to protect, before the passage of the act of 1866. We are of opinion that the section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one. This subject has so recently received our attention, and the grounds on which this construction rests are so well set forth in the following cases that they will be relied on without further argument. (Atchison *v.* Peterson, 20 Wall., 507; Basey *v.* Gallagher, id., 670; Forbes *v.* Gracey, 94 U. S., 762; Jennison *v.* Kirk, 98 id., 453.)

In Atchison *v.* Peterson (20 Wall., 507) Mr. Justice Field, delivering the opinion of the court, said:

This equality of right among all the proprietors on the same stream would have been incompatible with any extended diversion of the water by one proprietor, and its conveyance for mining purposes to points from which it could not be restored to the stream. But the Government being the sole proprietor of all the public lands, whether bordering on streams or otherwise, there was no occasion for the application of the common-law doctrine of riparian proprietorship with respect to the water of those streams. The Government, by its silent acquiescence, assented to the general occupation of the public lands for mining, and to encourage their free and unlimited use for that purpose reserved such lands as were mineral from sale and the acquisition of title by settlement; and he who first connects his own labor with property thus situated and open to general exploration does, in natural justice, acquire a better right to its use and enjoyment than others who have not given such labor. So the miners on the public lands throughout the Pacific States and Territories by their customs, usages, and regulations everywhere recognized the inherent justice of this principle; and the principle itself was at an early period recognized by legislation and enforced by the courts in those States and Territories.

In Howell *v.* Johnson (89 Fed. Rep., 566) the court said:

In the case of Basey *v.* Gallagher (20 Wall., 670) the Supreme Court said in regard to this act: "The act of Congress of 1866 recognized the right to water by prior appropriation for agricultural and manufacturing purposes as well as mining;" and also decided that if the right to appropriate water for any of the purposes named was recognized by either local customs, or by the legislation of any State or Territory, or by the decisions of the court, it would be sufficient. The allegation in the bill that the water was appropriated under the laws of the State of Wyoming would meet the requirements of the said act of Congress. Up to the date of the passage of said act of 1866 the right of prior appropriator to use the water for any of the purposes above named had, in the arid and mining regions of the West, been recognized as against any other person claiming the same, but not as against the National Government. This act, coupled with the act of July 9, 1870, embodied in said section 2340, recognized the right of the *prior appropriator of water upon the public domain, even as against the United States and its grantees*, if said appropriation was authorized by the statute of the State where the appropriation was made. (Black's Pomeroy, "Water Rights," par. 25; Osgood *v.* Mining Co., 56 Cal., 571.)

In Krall *v.* United States (70 Fed. Rep., 241) the question involved was whether a prior appropriator of water could be enjoined by the Government from diverting water rendered necessary or desirable to the Government by the increased uses of a military post and reservation situated lower down the stream. The circuit court of appeals for the ninth circuit held that the Government had no right to such injunction; that the right of the appropriator to divert and use the water was property which the Government might condemn but could not take without compensation, saying:

That the Government, in the exercise of its sovereign power, may *condemn* for its uses the private property of the citizen no one will deny, but we can not at all agree that it can withdraw or take, *without compensation, any right to the waters of a stream upon the public lands acquired by the citizen under its laws or by its sanction.* By the ninth section of the act of June 26, 1866, Congress provides that—

"Whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed." (14 Stat., 253.)

But prior to the enactment of this statute it was the established doctrine of the Supreme Court of the United States—

"That rights of miners who had taken possession of mines and worked and developed them, and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation in the region where such artificial use of water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged, and was bound to protect before the passage of the act of 1866."

It was so expressly held in the case of Broder *v.* Water Company (101 U. S., 274, 276). And it was in that case further held that the act of July 26, 1866, was "rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one." That doctrine of prior appropriation in respect to the waters upon the public lands was in full force when, according to the record in the case at bar, the plaintiff in error went upon the public lands and appropriated, for the purpose of irrigating his own land, a certain amount of the water of Cottonwood Creek there flowing. His appropriation was, of course, subject to the prior appropriation and use of the waters of the stream made by the government officials for the purposes of the military post reservation, which consisted of 640 acres of land and was located on the stream in question below the point of the appellant's diversion. The military reservation was established by presidential proclamation in January, 1868—subsequent not only to the time when the Government by its conduct in recognizing and encouraging the local custom of appropriating the waters of the nonnavigable streams upon the public lands for agricultural and other useful purposes had become bound to recognize and protect a right so acquired, but subsequent, also, to the passage of the act of Congress of July 26, 1866, making statutory recognition of that right and confirming the holder in its continued use. The creation of the reservation for military post purposes did not destroy or in any way affect the doctrine of appropriation thus established by the Government in respect to the waters of the nonnavigable streams upon the public lands. They continued subject to appropriation for any useful purpose. The appropriation of a part of these waters for the uses of the military post secured it in the use of the portion so appropriated, but it did not take from others the right to make such appropriation above the reservation as would not interfere with its prior appropriation.

In the case of Gutierres *v.* Albuquerque Land Company (188 U. S., 545), where the validity of the act of New Mexico of February 24, 1887, giving to certain corporations the right to appropriate water for "irrigation, mining, manufacturing, domestic, and other public uses," was attacked, the objections urged against the validity of the act are thus stated in the court's opinion:

The contentions urged upon our notice substantially resolve themselves into two general propositions: First, that the territorial act was invalid, because it assumed to dispose of property of the United States without its consent; and, second, that said statute, in so far at least as it authorized the formation of corporations of the character of the complainant, was inconsistent with the legislation of Congress and therefore void. These propositions naturally admit of consideration together. * * *

The argument in support of the first proposition proceeds upon the hypothesis that the waters affected by the statute are public waters, the property not of the Territory or of private individuals, but of the United States; that by the statute private individuals or corporations, for their mere pecuniary profit are permitted to acquire the unappropriated portion of such public waters, in violation of the right of the United States to control and dispose of its own property wheresoever situated. Assuming that the appellants are entitled to urge the objection referred to, we think, in view of the legislation of Congress on the subject of the appropriation of water on the public domain, particularly referred to in the opinion of this court in United States *v.* Rio Grande Irrigation Company (174 U. S., 690, 704–706) the objection is devoid of merit. As stated in the opinion just referred to, by the act of July 26, 1866 (c. 262, sec. 9; 14 Stat., 253; Rev. Stat., sec. 2339). Congress recognized, as respects the public domain, "so far as the United States are concerned, the validity of the local customs, law, and decisions of courts in respect to the appropriation of water." By the act of March 3, 1877 (c. 107, 19 Stat., 377), the right to appropriate such an amount of water as might be necessarily used for the purpose of irrigation and reclamation of desert land, part of the public was granted, and it was further provided that "all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights."

That the purpose of Congress was to recognize as well the legislation of a Territory as of a State with respect to the regulation of the use of public waters is evidenced by the act of March 3, 1891 (c. 561, 26 Stat., 1095). By the eighteenth section of the act of 1891 it was provided as follows:

"SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals and 50 feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories."

It may be observed that the purport of the previous acts is reflexively illustrated by the act of June 17, 1902 (32 Stats., 388).

That act appropriated the receipts from the sale and disposal of the public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands. The eighth section of the act is as follows:

"SEC. 8. That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right."

It would necessarily seem to follow from the legislation referred to that the statute which we have been considering is not inconsistent

with the legislation of Congress on the subject of the disposal of waters flowing over the public domain of the United States. Of course, as held in the Rio Grande case (p. 703), even a State, as respects streams within its borders, in the absence of specific authority from Congress, "can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream to the continued flow of its waters, so far at least as may be necessary for the beneficial uses of the Government property," and the power of a State over navigable streams and their tributaries is further limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. Necessarily these limitations are equally applicable in restraint of the legislative branch of a territorial government controlled, as is such body, by Congress. If we assume that a restriction on the power of a Territory similar to that first stated prevails in favor of private owners of lands along a running stream, the act in question clearly is not violative of such rights, for the same does not attempt to authorize an infringement of them. The water which it is provided may be appropriated is "surplus" water of any stream, lake, or spring, and it is specifically provided in subdivision 4 of section 17 of the act "that no water shall be diverted, if it will interfere with the reasonable requirements of any person or persons using or requiring the same, when so diverted." So, also, in section 25 it is declared "that no incorporation of any company or companies shall interfere with the water rights of any individual or company acquired prior to the passage of this act." The finding of the court below that "surplus" water existed negates the idea that any legitimate appropriation of water which can be made by the appellee can in any wise violate the rights of others.

We perceive no merit in the contention that the proviso in the desert-land act of March 3, 1877, declaring that surplus water on the public domain shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights, is an expression of the will of Congress that all public waters within its control or the control of a legislative body of its creation, must be directly appropriated by the owners of land upon which a beneficial use of water is to be made, and that in consequence a territorial legislature can not lawfully empower a corporation, such as the appellee, to become an intermediary for furnishing water to irrigate the lands of third parties. As all owners of land within the service capacity of appellee's canal will possess the right to use the water which may be diverted into such canal, the use is clearly public (Fallbrook Irrigation District *v.* Bradley, 164 U. S., 112, 163), and appellee is therefore a public agency, whose right to divert water and whose continued existence is dependent upon the application by it within a reasonable time of such diverted water to a beneficial use. Irrigation corporations generally are recognized in the legislation of Congress, and the rights conferred are not limited to such corporations as are mere combinations of owners of irrigable land.

In Jennison *v.* Kirk (98 U. S., 453), the court, in discussing the act of 1866, said:

That whatever rights to the use of water by priority of possession had become vested and were recognized by the local customs, laws, and decisions of the courts, the owners and possessors should be protected in them; and that the right of way for ditches and canals incident to such water rights, being recognized in the same manner, should be acknowledged and confirmed.

Mr. NEWLANDS. Mr. President——

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

Mr. BORAH. I do.

Mr. NEWLANDS. May I ask the Senator whether he does not think in a scheme which involves the development of water power, the site for the dam, the site for the reservoir, and the site for the plant are very important factors, and hence, if those factors are now in the ownership of the Government, are they not factors in the determination as to the policy which should be pursued?

Mr. BORAH. Undoubtedly, Mr. President, it is within the power of the National Government to sell those sites or not to sell them, as it sees fit. It can hold up the situation as any other monopolist might hold up the situation if the Government wants to enter into that kind of business. But as I shall undertake to show in a few moments, those power sites are a part of the natural wealth of our State. We are entitled to develop them and utilize them, our people are entitled to their benefits, and the National Government has no more right to withhold them, to the embarrassment of the people of that State, than if they were owned by some great monopolist and he was undertaking to hold them up. But I do not want it to be understood that I consent for a moment to the proposition that the State of Idaho can not condemn every power site upon the Snake River in order to get the benefit of them even if the United States Government does hold them. The right of eminent domain belongs to the State of Idaho as against the property of the United States so long as it is not being used for a governmental purpose, the same as it does as to the property of an individual, and if it is proposed to adopt the policy of holding up the power sites until we concede or transfer away some of our sovereignty rights as a State, we will exercise the other power of sovereignty and condemn and utilize them.

Mr. HUGHES and Mr. NEWLANDS addressed the Chair.

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

Mr. BORAH. I yield to the Senator from Colorado, and then I will yield to the Senator from Nevada.

Mr. HUGHES. I should like to suggest to the Senator from Idaho that the United States by Supreme Court decision and by act of Congress has declared that the waters ought to be free, and has authorized the States to make them free; and I would inquire what kind of an observance of national honor would be involved in an attempt to destroy the free gift by putting burdens upon the ownershsip of the land by a trick or device by which they would rob the States of that which they had purported by legislation to give and upon which the people for fifty years have relied, with their rights confirmed by the court and by the National Congress?

Mr. NEWLANDS. I quite agree with the Senator from Idaho in his view that a moral obligation rests upon the United States to discharge this great trust of ownership of land in the western communities in the interest of those communities. All that I say is that it is important that the United States should frame wise legislation regarding the utilization of these natural resources, which would be of great value to those communities; and I say that the western men have not thus far taken up that question seriously and with a view to shaping legislation which the East will probably accept; and that until proper legislation is shaped I welcome any reasonable action of the National Government which will maintain the status quo until western men can suggest reasonable and desirable legislation.

Mr. BORAH. I would agree with the Senator from Nevada to a limited extent, but the Senator from Nevada very well understands that that is not the policy which has been outlined for us. The policy which has been outlined for us is that these power sites shall all pay a license to the National Government. It is proposed to put a burden upon the people of the West unknown to the people of the other States.

Mr. FLETCHER. Mr. President——

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

Mr. BORAH. I do.

Mr. FLETCHER. In reference to that matter it has been suggested that power sites are being taken up by individuals, not in good faith, not under laws which would justify the acquiring of the title to those sites.

I would ask the Senator whether, in his judgment, Congress should not legislate so as to prevent the acquiring, for instance, of a valuable power site under the stone-and-timber act or under some homestead law, where the real purpose was not to conform to the laws of the United States, but to acquire valuable rights under pretenses? That is a subject with which possibly Congress ought to deal.

Mr. BORAH. I agree with the Senator so far as that is concerned. My argument to-day should not be construed into an attack upon the proposition of disposing of our public lands in such way, in so far as we have power to do it, as to see that they go to those who are in good faith going to utilize them for the benefit of the people. But we have a very limited power in regard to it, and therefore the proposition which I submit is that whatever the National Government thinks this land is worth it should announce and permit us in the respective States to control the monopolist when he gets to it. So far as I am concerned there is no man whom I would rather see in the State of Idaho contesting his right to create a monopoly under the land laws and the water laws of my State than the man who thinks he can do it.

Mr. President, the power capacity of the United States is estimated at 66,518,500 horsepower. There is now developed about 5,356,000 horsepower, leaving undeveloped in the United States some 61,000,000 horsepower.

The Columbia River watershed alone has a power capacity of 39,000,000 horsepower, more horsepower than can ever be used, in all probability, in the history of the world, because it is altogether probable that they never will be able to transmit the power over four or five hundred miles, at the outside. The practical proposition of transmission now is limited to some 200 miles.

Mr. President, in order to get an idea of how much power capacity the Columbia River watershed has, let us make an estimate. From the beginning of the Christian era until the landing of Colonel Roosevelt under the shadow of the Goddess of Liberty—two notable events in the history of the world—was one thousand nine hundred and ten years and six months. If, beginning with the Christian era, there had been developed 11,000 horsepower every year from that date until the landing of Colonel Roosevelt, we would have still had 17,000,000 horsepower left as a part of the power capacity of the Columbia River watershed for monopolies to get hold of. We would have still had more horsepower than we will be able to use in that country within the imagination of man. Every time you discover, build up, and equip a power plant you have discovered an inextinguishable coal mine. Every time you develop and harness a power you have discovered an inexhaustible forest, and the

way to conserve our coal and to conserve our forests is to yoke these water powers to the necessities and use of men. Put them to use; encourage instead of retarding their use. This will save our coal and save our forests more than all things else.

Conservation applied to water power is a misnomer. It will be just as useful to generations a thousand years from now if we use it as if we do not use it. It is inexhaustible, and can not by any process be exhausted by this generation.

So I say that those who say, "Tie up the water powers," those who are holding these power sites until they can get some deal between the State and the National Government by which the State yields its sovereignty, are simply standing in the way of real conservation and real use.

The Snake River is some 800 miles long. It has a drop of 6,000 feet within our State. There is a power site every few miles. It is practically one continuous power site from beginning to end. We are already irrigating from that river some 3,000,000 acres of lands, and if the power capacity of that river in Idaho alone were developed we would not need to be disturbed about coal and about forests. There is no necessity for depriving the people of that State of the benefit of this power, inexhaustible, planted there in such ample way by the hand of Providence, for fear that some monopolist will come along and impose exorbitant charges. We are prepared for him and bid him hasten to the fray.

A great deal is said in these days, appealing to those with large imagination and more or less sensitive souls, about the future generation. I am not unmindful of our duty to the future generation, but tell me how the development and the utilization of our power sites and our power capacity are going to in any way trespass upon or embarrass the rights of the future generation? So long as the snows fall in the mountain, and they are melted, and flow on to the seas, those power sites will be there, and utilization neither extinguishes nor embarrasses them for the benefit of future generations.

But the proposition, if I may be permitted to say so, is not so much of the future generation as the securing a large income to be collected from the Western States. One of the enthsiastic apostles of this theory estimated the other day that within the next twenty-five years the seven or eight public-land States in the West would be paying $45,000,000 of license fees for the benefit of the Federal Treasury. In order to do what? To take care of future generations? To take care of the pressing wants of the present generation? To impose upon those land States a burden which you can not impose and never have imposed upon other States, to impose upon the people who use that power a tax which no one else pays, rather than to take care of future generations, is the scheme of those who are withholding these power sites, or threatening to do so, until the States shall surrender some part of their sovereign right to control them.

As I suggested the other day, Governor Hughes has said that if his plan shall prevail, he will secure to the state treasury of New York about $1,230,000 as a charge or tax upon the power capacity of the Hudson River. Nobody objects to that theory of conservation.

I repeat that so far as within the wisdom of the States they think proper to regulate and charge and tax them, it is quite proper to do so, and that tax goes to lessening the burdens of the people of the respective States.

When the Illinois canal is finished it is estimated that some $4,500,000 will be secured to the treasury of Illinois as a result of the power capacity of those two rivers and that canal. That will go to the benefit of that particular State, lessening the burden of those who must pay the taxes.

Mr. President, without going into a discussion at this time as to the manner in which the monopolists would have to proceed in order to get a monopoly of our water, of our power sites, and to develop this 39,000,000 horsepower which we have lying in wait, I will content myself with calling attention to the constitutional provision and the statute of the State which I have the honor in part to represent:

CONSTITUTION OF IDAHO.

The use of all waters now appropriated or that may hereafter be appropriated for sale, rental, or distribution, also of all water originally appropriated for private use, but which, after such appropriation, has heretofore been or may hereafter be sold, rented, or distributed, is declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law. (Art. 15, sec. 1.)

The right to collect rates or compensation for the use of water supplied to any county, city, or town, or water district, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law. (Art. 15, sec. 2.)

The legislature shall provide by law the manner in which reasonable maximum rates may be established to be charged for the use of water sold, rented, or distributed for any useful or beneficial purpose. (Art. 15, sec. 6.)

Section 3 of article 15 provides in general that as to priority preference shall be given, first, for domestic purposes; second, for agricultural purposes; third, in mining districts for mining purposes; and fourth, for manufacturing and other purposes.

The necessary use of lands for the construction of reservoirs and storage basins for the purposes of irrigation, or for rights of way for the construction of canals, ditches, flumes, or pipes to convey water to the place of use for any useful, beneficial, or necessary purpose, or for drainage; or for the drainage of mines or the working thereof by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps, or other necessary means to their complete development, or any other use necessary to the complete development of the material resources of the State or the preservation of the health of its inhabitants is hereby declared to be a public use and subject to the regulation and control of the State. Private property may be taken for public use, but not until a just compensation to be ascertained in a manner prescribed by law shall be paid therefor. (Art. 1, sec. 14, Idaho const.)

In the case of Hollister *v.* State, Ninth Idaho, page 8, the court held that the furnishing of electricity for light or power and other purposes is a public use for which land may be taken.

IDAHO STATUTES.

Our statutes provide, in brief, that a party desiring to appropriate water for any purpose must make application to the state engineer, and in this application he must give, first, the name and address of the applicant; second, the source of water supply; third, the nature of the proposed use; fourth, location and description of the ditch or work by which it is to be appropriated; fifth, the quantity of water to be used; sixth, the time required for the completion of the work not to exceed five years; seventh, the time required for the complete application of the water not to exceed four years from the completion of the works; eighth, the application must be accompanied by a plat and map showing the entire plan and scheme for the use of the water; ninth, if the application is by a corporation, it must show the amount of the capital stock voted, how much has been paid in, the names and places of residence of its directors, and the financial resources of the corporation showing that the funds are available for the work; and, tenth, if the water is to be used for power purposes, the plan must show the location, capacity, and estimated cost of the work, and as to whether or not the water will be returned to the stream.

The engineer passes upon the application and approves it or disapproves it. If he approves it, he must require the actual construction of the work within five years, and he may limit the time. An appeal is permissible from the state engineer to the district court.

The law requires that the applicant prosecute his work diligently and uninterruptedly to completion. The applicant is required to give bond in a sum not exceeding $10,000, conditioned to complete the work. If he fails to carry on his work or complete it, the permit is canceled.

When the applicant is ready to prove the completion of his work he must give notice, and then he makes his proof, and if he has completed his work, a certificate is issued to him.

Our eastern friends who are concerned over the monopolist doing business under these statutes and laws ought to give some time to their consideration and their effect. He will find that it is impossible to hold water or power sites, either for the purpose of monopoly or to utilize them, except under such rules and regulations and control as to rates, fares, and charges as are fixed by the State. I shall not discuss them at length, but leave them for the study of those who are interested in the subject.

Mr. President, I do not accept the modern doctrine that these matters which immediately concern the States in their material and local affairs can be better administered by a bureau from Washington than by the people themselves in their respective States. Neither do I approve of the schemes so persistently urged and presented in so many different, questionable ways to withdraw as far as possible these affairs from the people. It should not be the business of Congress to devise by questionable methods, by strained, unnatural constructions of the Constitution, some way to take from the people in the different States either the use or the administration of those things which are essentially local and which go to make up the wealth and industrial supremacy of the State. I do not believe, either, that the employee of the bureau, the officer sent among us from Washington, is any more intelligent, any more competent or trustworthy than the people who are at home in the States trying to make a living and build up prosperous communities. I believe, and I am going to continue to believe, that there is just as much wisdom, just as much public spirit among the mass of the people, and that they are just as capable of devising laws to protect the interests of their children and their children's children as are the federal officeholders. John Bright, the great English commoner, once declared that the first 300 men you would meet on the Strand could govern England just as well as Parliament. There is a kind of official egotism which proceeds upon the theory that there is a divinity which hedges about the official which does not hedge about the citizen. The idea seems

to prevail that once the oath of office is taken the party becomes wiser and more capable of judging of these matters than the citizen.

Sir, it is the theory of our Constitution, often declared by our Supreme Court, that the new States must enter the Union upon an equality with the old States. This is not merely a matter of form, but it is a thing of substance. It means not only political equality, but it means equality in the right to utilize and enjoy the natural resources and the wealth which nature's god has placed within the limits of a State. I had just as soon you would encroach upon the political rights of our people, undertake to deprive them of their right of trial by jury, as to narrow their opportunities in life, deprive them of a chance in the industrial struggle for equality, or burden them as their fellow-citizens in other States are not burdened. Without that prosperity which gives us homes and successful communities there can be no such thing as equality among the States. A State which has her agricultural lands locked up is not on an equality with the State which can devote them to the raising of foodstuffs for her people. A State which has her mines withdrawn from exploitation must see immigration and all that goes to make her a great Commonwealth turn from her borders.

These power sites are our wealth. We have the means to control them and to dedicate them to the use of the people. They are a part of the State's heritage. It is a violation of every principle of the Constitution to withhold them from our use. If you tax them for the Federal Treasury will not our people have to pay the tax? Do the people of the older States pay any such tax? If Illinois or Massachusetts receives thousands or even millions of dollars as a revenue for their water power and Idaho receives nothing, but, on the other hand, pays thousands or millions into the Federal Treasury, is there equality among the States? The old States make these power sites a source of incalculable revenue out of which to pay the expenses of the State and lessen the general taxes. But we must not only pay our taxes, but, in addition, pay this revenue to the General Government.

Mr. President, these things, the development of these resources, the protection of the interests of this and future generations in these resources, must be intrusted to the wisdom and patriotism of the people in the States to whom they essentially belong. We have shown far more alertness, far more caution and versatility in caring for these matters and making them serviceable to all the people than has the Congress of the United States. We have more reasons to deal with them in great caution and with judgment, and we are doing so. The theory that these natural resources in a State belong to all the people in the United States is all right as a theory, but in practice it is utterly untrue. These natural resources belong to all the people of the United States who come within the State and avail themselves of them and to develop and utilize them. Our power sites do not in any sense of the term belong to the people of New England or New York. They are there to be utilized by those who make themselves citizens of the State and join with others in trying to build up a Commonwealth. It has never been the theory of our Government, and is not the true theory to-day, that these resources should be utilized as a revenue-producing proposition. They are to be utilized by all the people and for the benefit of all the people, but the people must come within the State in order to avail themselves of the use and benefit.

We ask the Congress not to adopt a policy, therefore, which will take from us the means by which we must live and thrive, the means by which our citizens are to prosper and our State to grow and take its place with the older States in the Union. We will deal with the monopolist when he comes within our border. We can tax his property, and we can regulate the charges he makes to the people, and, above all, we can disrobe Nature of this mantle of idleness with which the theorists and dreamers would clothe her. We can make her serve the human family in its effort to earn a livelihood. We can make her carry some of the burdens of this generation without incapacitating her from serving generations yet unborn. Water powers do not wear out; they are inexhaustible. They will serve those who live a thousand years from now just as well as they have served us. We are not unmindful of the rights of the future generation, but we utterly reject the proposition that you can benefit them by clothing our water-power sites with absolute idleness.

Mr. President, conservation in order that it serve the masses of the people and benefit a nation must have a reasonable and practical application. You can not apply a universal rule nor a universal theory to all the conditions which present themselves in the utilization of our natural resources. There must be that variety of view and application found in the great realm of nature herself where variety is the definite triumph of the Maker and where compensation of one natural resource against another is a universal law. You can not apply the same law to our coal mines as you do to our gold mines. You can not apply the same law to our agricultural lands as you do to our timber lands. You can not promote conservation by treating our power sites, which to utilize is to conserve, as you do our coal beds, which to utilize is to consume. Sir, as to our undeveloped natural resources, after you have adopted laws which prevent waste, extravagance, and monopoly, laws which insure as nearly as human ingenuity can do so, an economic and bona fide use by the people of these resources, you have gone about as far as it is the province or as it is practicable for the United States Government to go. I would add to this, however, that as to timber there should always be the encouragement and aid of reforestation. This is something we can reproduce.

But the theory that idleness, inactivity, and nonuse can serve this or any other generation is only a theory. In practice, nature itself answers that proposition. In the economy of the universe there is no place for the idler and there is the same contempt indicated in every law of nature for idleness. Idleness is not and can never be any part of a sane and reasonable policy of conservation. Nonuse, nondevelopment is utterly impossible and inconceivable to any man who understands the law of progress or the nature and spirit of the Anglo-Saxon race. The injunction is laid upon us to utilize the forces of nature to the welfare of the human family. The Anglo-Saxon spirit which has turned a vast wilderness into a land of homes and industry will not hesitate to tear away all obstacles to its continued progress.

Every water power unused, locked up in idleness and inactivity when there are communities to serve, is a subtraction from the sum of human happiness and prosperity. Every piece of land which will produce the necessaries of life dedicated by law to nonuse, incorporated in a reserve and denied to settlement, is an extra burden upon every man who buys the necessaries of life. Every year in which thousands of feet of ripened timber are permitted to rot and fall in the reserves you are stealing something from the human race that belongs to it, and every year that the great coal beds of the Pacific slope go undeveloped it costs this Government its extra millions to send coal around to the Pacific, burdens every citizen in that part of the country with exorbitant freight charges, and puts extra millions into the hands of eastern coal companies who are delighted to see this go on. It would be a magnificent scheme indeed to compel the whole great West to hold its vast resources in idleness, deprive its people of their enjoyment and use, and compel them to pay tribute to those resources of which you have taken possession here and developed at your own free will.

Let us have an understanding, therefore, that any conservation policy agreed upon or incorporated into law must have as its basic and fundamental principle that of economic use and development. These resources are not to lie idle, imprisoned, and unusable. If you join with us in that proposition, dedicating them to the economic use of those who will develop them, we will gladly join you in formulating a policy of regulation and control which will avoid waste, extravagance, and monopoly in so far as it is possible. But upon a policy of nonuse, of strangulation of the great West, we stop at the first call for legislation. If strangulation is to be had, it will first be tried upon some of the measures in this body. We have reached, it seems, that pitiable, indefensible position, according to those who would tie up our resources, where we are willing to confess before the world that as lawmakers we are inefficient, as administrators worthless, and that our citizenship is so brazen and corrupt that we can no longer do business, but must out of sheer impotency shut up shop. I denounce such a theory as a libel upon our citizenship, a manufactured and well-distributed libel upon the West, and for ulterior and selfish motives. I say to this Senate that any legislation upon this subject must be upon the basis that western citizenship is honest, law-abiding, and intelligent; that western people appreciate the value of these resources and propose to protect them; that they are loyal to their States and to the Nation as a whole, or you will make very slow progress in this Chamber.

Sir, the conservation policy, which teaches the farmer the science of farming, how to vary his crops, protect them from insects and his stock from disease, how to make 35 bushels of wheat grow where only 20 grew before, which reforests those timber lands, which will produce timber and nothing but timber, which will adopt a policy of regulation and control, admitting of use and development everywhere, is a true conservation policy. But the policy which withholds the agricultural land

from production and hinders industrial life, which forces the citizen into a city or into a foreign clime for lands is not only short-sighted and unwise, but it is a blunder, which, in legislation, is even worse than a crime. I prophesy that such a policy will be rejected in the end. What we want are more farmers and better farms, more homes and better homes. What we want, and what I believe we will have before this controversy is settled, is a sane, practical conservation policy, under reasonable regulation, permitting the development of our natural resources in accordance with the natural laws of progress and industrial growth.

Mr. President, our land policy has been a peculiar one. Since 1860 we have donated more than 150,000,000 acres of our public lands to corporations, railroads, and other public-service corporations. Some of these grants were wise, some beneficial to the public, all were generous, some improvident, and some worse. Some of these grants have been earned, some forfeited and the land recovered. Millions have never been earned and never reclaimed. The Government has always adopted a most liberal policy toward those grants and the grantees, both in construing the grant and in foregoing forfeitures—dilatory, apathetic, indifferent methods—forgiving at all times when it was possible.

Since 1860 we have transferred to settlers about 115,000,000 acres under the homestead-land laws. Of late years the principal means of acquiring title to public lands by the settler has been under the homestead law. We have required under this law that he take his family upon the land, improve it, and reside upon it for five years. No matter how desolate the locality, how insufferable the cold of the winter or the drouth in summer, no matter what crop failures or sickness occur, he had to remain or forfeit his title. He was chained like Prometheus to his rock. If he left for a time to gain a livelihood to support his family his title was promptly challenged and the most strict interpretation of the law administered. A few years ago by a cruel, unjust, and illegal system a method was devised which, as a practical matter, extended the residence period to seven or eight years. It not only extended the residence period, but it put upon the settler already limited in means an extra burden for attorney fees and expense of litigation.

This was the way in which this usurpation of authority and solemn violation of the law were accomplished. The settler would make his proof, and generally after he had made it, without protest or objection, a special agent would appear and file a protest, an objection to the issuance of patent, file it without any witness or any facts to support the protest, simply a general protest to hold the matter up until such time as it could be investigated. In other words, the special agent, acting for the Government, was proceeding upon the theory that every settler who came in contact with the public lands was dishonest and a perjurer. You will understand that they did not file in cases where investigation had disclosed fraud, but after all proofs or any proofs were offered. The special agent was accomplishing in this way two things which added greatly to his zeal. First, he was overseeing and supervising the honesty and integrity of all men—and how fascinating this kind of service is to a special agent no human language can describe. There is an exquisiteness of pleasure connected with such service known alone to the highly wrought and sensitive soul of a special agent. Second, he was justifying in the most conclusive way the necessity of his work and the necessity of his continued employment by the Government.

Thus the system, with an appetite increasing as it fed, indiscriminately challenged every title, good and bad. By the time the special agent completed his report and the matter was finally passed upon months and years had passed. Often the homesteader, impoverished and harassed, gave up the work of his five years and his prospect of a home and went into the town to enter the competitive field of the day laborer. Mr. President, I do not hesitate to say—and I shall be glad to see the man who will refute the statement—that this system is an outrageous violation of law, of every principle of justice and of rightful relationship which should exist between the Government and the citizen. No one could object to an intelligent and discriminating administration of the law, even to the extent of severity. But the indiscriminate mixing of the guilty and the guiltless, the wholesale and universal challenge made to all titles, the wholesale attack upon the settlers is unwise and unjust. I am frank to say to you that rather than have all honest settlers annoyed and harassed I would rather have some fraudulent entries escape. But there is not much need of either occurring.

Across the line in Canada the homestead law requires a residence of three years. The homesteader is also allowed an absence of six months each year. If his new farm fails him in crops or if he is pressed in financial matters, as the settler often is, he may have a portion of the year to secure himself from other sources. The laws are there administered upon the theory that every man is innocent until he is proven guilty. Here the land laws are administered upon the theory that every man is guilty until he has proven himself innocent. There are to-day 25,000,000 acres in the West unappropriated public lands, rich and fertile. It is better land and in a better clime than across the line in Canada, yet it is known that thousands and thousands of homesteaders and settlers have been for the last three or four years crossing the line into Canada seeking homes.

They are willing to suffer expatriation rather than try to get homes under our system. What can you give us in return to compensate for the loss of industrious American citizens hungry for homes? In your blind, self-righteous cry, your indiscriminating challenge to the honesty of all you have succeeded in doing what nothing else could do—turned the face of the American citizen toward another flag. This exodus is a tribute to the miserable, expensive system of espionage which was fastened upon us by ill-informed and prejudiced administrative officers.

Mr. President, the West has her fight to make in the industrial world. She has to take care of her people and furnish prosperity for those who come among us. Taxes must be raised to sustain county and state governments. With one-third of our State in a forest reserve, with our settlers being driven from our borders into a foreign land, with our power sites tied up, with the resources which belong to those who are willing to take hold of them and develop them taken from us, the outlook is not encouraging. If you say to us that conservation means the holding of those lands and power sites indefinitely with a view of securing permanently the highest possible revenue to the Government, we will oppose the policy to the end. If you say that conservation means nonuse, no development, as a matter of self-preservation we will have to oppose it. But if it means an honest effort to protect those resources to an economic and safe use by the people, free of extravagance and waste, we will join you. We do not care how exacting you make the law to prevent extravagance and waste and monopoly, nor do we care how harsh you make the execution of it, if you will distinguish between the guilty and the guiltless. But we have grown weary of this universal and senseless outcry against a whole community.

Mr. President, I have presented, in my judgment, the conservative side of the western view of this situation. We have been compelled in the last three or four years to meet exaggerated statements—false, whether knowingly or not—as to the intent and the purpose and the capacity and patriotism of our people, and I feel that we have approached at last a time when the plain truth ought to be told, and that is that the Western States will stand where he old States have stood, upon the theory that the intelligence and the patriotism of our people are capable of dealing with those great resources which have been placed by nature within the limits of our respective Commonwealths.

Without taking time to read them, I ask to have printed some editorials and views from western citizens in connection with my remarks. I do not agree with all the views expressed in these articles, for some go farther than I go. But they are the views of able and conscientious men—men who have built up the West—and their views should be known to all their countrymen.

The VICE-PRESIDENT. Without objection, the request will be granted.

The matter referred to is as follows:

[The Oregonian, Portland, Oreg., Thursday, September 30, 1909.]

A PROBLEM IN CONSERVATION.

States of the West have an interest in conservation of natural resources as well as States of the East. But the two interests, though agreed, in the main, as to the necessity of saving land, forest, and stream from spoliation, are nearing conflict as to the policy with which the preserves shall be administered. Oregon, Washington, and Idaho, for example, are able to conserve their resources; they are as fully alive to the matter as eastern influences that would use those resources for national exploitation and taxation, and they will not consent to a policy of administration that would sell or rent water powers for the benefit of the whole people. Water powers of New England are not so conserved. Then why in Oregon?

Consumers of water energy in Oregon will not be willing to pay the people of the United States for the use of streams in this State. Nor will they acquiesce in a policy that withdraws vast areas of land, fit for farms and homes, from uses of settlement and progress, just to satisfy a hazy demand in the East for conservation. From resistance to all this springs large part of the opposition to Pinchot, because Pinchot stands for the assertion of national authority over what properly belongs to state administration. Senator JONES, of Washington, is one of the first men to perceive this. Already he has suggested that the only satisfactory solution of the problem will be delegation of water-power control to the States.

It is easy to overwork a catchy phrase live "saving the streams." Pinchot did this when he caused the preceding administration to re-

serve 4,000,000 acres of land along streams for alleged protection of water-power sites. President Taft, in his Spokane speech, tells us that this area was reduced by Ballinger to 450,000 acres, "which include even more ascertained water sites than the original withdrawals." The large bulk of the Pinchot withdrawals, therefore, have been restored to uses of settlement. For this Pinchot made a fight on Ballinger, but the President has sustained his Secretary. Along Owyhee River, Oregon, Pinchot caused withdrawals of 379,520 acres. This Ballinger reduced to 60,000 acres, and the power sites are even better protected than before. Here, then, was 319,000 acres along Owyhee River rescued from Pinchot conservation and restored to use of citizens and to Oregon progress.

But, what is equally important, are the future users of water energy in Owyhee Valley going to pay charges and licenses to the National Government for power privileges? Will the people of Oregon like to see this revenue accruing to the National Government, when most of the other States pay no such charges? Do the people of Oregon wish to buy their water power from the national capital?

The Pinchot scheme of conserving water powers has no definable purpose. It does not propose how water power shall be developed, and its very policy makes such development impossible. The resource is one that in its very nature and in justice needs the local administration of the States. And the States are just as fully alive to the question as the national authorities. Oregon, for example, has enacted a law for regulation and taxation of water powers that is so stringent that some persons say it will stop investment of capital. Whether that is true or not is aside from the question here. The point is that public sentiment in the West demands protection of water resources from grasping interests and monopolies, and that it is able to meet the situation. It is the industry of the western people that gives value to their rivers and lands. In the case of Oregon, Washington, and Idaho it was pioneer courage and suffering that saved the land from the British flag. And now the people of this country are entitled to the regulation and control of their resources, especially that of streams.

[The Oregonian, Portland, Wednesday, January 12, 1910.]

FOR WHAT REASON AND FOR WHY?

Conservation on the Pinchot plan means, in effect, that there is to be no further practical use or development of the natural resources of the western country. The policy of the United States will be to sit tight and heavy on the "natural resources." There is to be no more sale of timber, of mines, of water powers; but a bureaucratic superintendence is to be established, under which such trees may be cut, or such minerals lifted, or such water powers used as "the department" may allow—on payment of estimated values. An immense army of officials is to be supported by the scheme, eating up all the proceeds of forests and mines and waters. No scheme more complete or effective for using the public resources for support of an immense officialdom could be devised.

Cheap land, sale and use of lands containing or covering the great resources of the country, have given the country its immense development. The policy has increased our population by tens of millions, and our wealth by thousand of millions. It seems now that this was wrong. The country was better in the savage state. Why have we so disturbed the order of nature? The timber that was growing on the site of Portland—what a resource it would be had it been conserved! And the water power of Willamette and Clackamas—if there were no towns and cities to us it! It would be a great national resource, indeed!

Do men know what they are talking about? Have they any conception of what they are talking about? Nay, verily—they are theorizers and sophisters, in love with the pictures presented in their own dreams. They never have been "up against" conditions presented in a new country, abounding in natural resources; which, however, are good for nothing until brought into use by the mind and hand and energy of man. They are theorists, not only, but bureaucrats, subjects of officialdom, or aspiring to be its kings. Already they are absorbing the natural resources of the country at the rate of millions of dollars a year in salaries and in time will absorb them all. The appetite of conservation grows by what it feeds on; and cost of administration of the Pinchot system would presently devour the carcass, flesh and fell.

Did not the country have some prosperity before these modern bureaucratic conservators appeared, to change its policy and to introduce these thousands of new officeholders to prey on its resources, to stop its industrial development, to arrest the growth of its towns and cities, and to prohibit the use of its timber and minerals and stones and ores and water powers? Yet the regulations and charges that would be prescribed at Washington would be virtually prohibitive in the new country. In the older States, where the ancient policy has always been in operation, they would not apply; for private ownership, necessary to development, there has always been in force. The lands and minerals and water powers of the new States belong only nominally to the United States. The equitable title is in the several States; and the just right of the United States extends no further than treatment of these lands in the new States on the basis or policy so long pursued in the older ones. He is a traitor to Oregon, he is a traitor to Washington, to Idaho, to every new State, who desires discontinuance of the old policy, withdrawal of opportunity here—opportunity that the older States have always possessed—with payment of extraordinary tribute to the General Government for use of the resources of the country—use that other States have had without limitation and by use of which they have grown to greatness in wealth, in population, and in prosperity.

Every man in the department knows this thing is true as outlined and yet it is allowed. How long will the American people stand for it?

The suggestion I wish to offer is this: Let the department at Washington divert the appropriation for special agents to the employment of men versed in the study of practical agriculture and send them out to homesteading districts to give needed information regarding soil and adaptable crops; to explain methods of irrigation and of conserving water; to encourage the homesteader and desert entryman in the ways leading to success; to display the confidence and the interest of the Government in his welfare, and then you will have a class of settlers with some ambition to make homes, to stay with the soil and to have a pride in this work. And there will be no frauds or attempted frauds that can not be headed off by the local land office officials.

There never was a greater curse to development of the unsettled lands than the "special agent" system. There never was a greater departure from American principles than the adoption of this European espionage system. It is keeping thousands from Oregon's unsettled valleys and it is breeding an unrest among good citizens and fostering a sentiment that will make parts of this State as unhealthy for the special agent as it is said parts of Ireland were twenty-five years ago for the same class of fellows under landlord control.

JAMES R. SHELDON.

[The Oregonian, Portland, Oreg., Friday, April 1, 1910.]

THE PROTEST OF THE WEST.

A writer in the Inland Herald (Spokane) says: "The East believes that the West ought to be reforested. Why not reforest the East instead?" Because and only because reform is for your neighbor, not for yourself. Because and only because the purpose of reform is to correct the habits of others, not your own.

The same writer continues (we employ paraphrase and condensation): "We want money, mills, factories, farmers, and other good citizens. But a great hue and cry is raised about the Nation losing its wealth of millions, through use of them by enterprising men, who turn them to account. How about this? Miners went to Alaska and extracted millions and millions of gold, under most difficult and adverse circumstances. The gold had fallen to them by right of their own enterprise and discovery. They carried it off to Seattle and spent it in revelry and dissipation. But what then? What was it good for when 'conserved,' as it had been for millions of years?"

"The earth is the Lord's, and the fullness thereof." Yes, indeed; but this is idealistic. Why do not these people of the East who call us thieves come out here and open our mines and develop them, work in our forests and cut lumber, clear our lands for the plow where necessary, or lead the waters for irrigation where that is necessary, and do something with these natural resources and turn them to account, instead of sitting back in their indolence and insolence, and denouncing as thieves those who are willing to take the chances and do the work, in expectancy of reward?

Traitors they are to the great national policy which has fostered development and made the country from the Atlantic to the Pacific what it is. What an absurdity it is, when the Government spends millions of dollars in irrigation improvement, sending out millions of circulars through irrigation bureaus inviting settlers to the West, and at the same time withdrawing all the available lands from settlement, under pretense of holding them for posterity!

[Portland Oregonian, May 31, 1910.]

HARASSING OREGON SETTLERS—LET GOVERNMENT TURN SPECIAL AGENTS INTO AIDS, NOT OBSTRUCTIONISTS.

PORTLAND, *May 30.*

To the Editor:

In view of some evidence in your columns recently from Washington indicating returning sanity on the part of the Land Department in dealing with actual settlers on the public domain, I feel encouraged to offer a few suggestions which, backed by the circulation and powerful support of the Oregonian, may result in a still closer study by the Washington officials of the rights of settlers and the extension of a helpful and encouraging hand to them instead of harassing, annoying, and frightening them.

An earnest and all-embracing invitation has been promulgated by the Government for years to the citizens of this country, native and foreign born, to go out and make homes upon the unoccupied lands. That invitation has had a more alluring influence during the past few years of high living in the cities than since the days following the civil war, and the great areas of central Oregon have been the Mecca to which the land-hungry masses have come. But in the face of that insistent and persistent invitation, what has been the policy of Land Department administration? An army of detectives has been organized under the name of "special agents," supported by an immense appropriation, who have proceeded upon the apparent theory that as soon as the citizen accepts the invitation of the Government, enters a piece of land, and pays the legal fees thereon, he at once becomes a liar, thief, and perjurer whose every movement must be watched by the hired sleuths of the department, lest he sleep a night away from his homestead and thus injure, destroy, and upset Uncle Sam's entire structure!

Those new homesteaders—the blazers of the trail of American progress—are sometimes located miles from neighbors, distant from mail service, perhaps short of means, cut off from all the pleasurable associations of life, many of them not versed in practical agricultural pursuits or informed as to the real nature of the soil and climate surrounding them. Is their lot not a tough one? Is the Government injured if those men work a part of the year to obtain the means of subsistence and of improving their land? Does it make any difference to the Government whether they are employed 1 mile or 50 miles away from their claims, provided that is the home upon which their earnings and energies are expended?

I am reliably informed that the policy of the "special-agent" brigade is to go into a homestead community and dig up contest cases on the merest pretense and by the aid of the worst characters in the community—fellows who are ever ready to make trouble and whose testimony in a home court would not convict a mangy dog. Or the "special" goes to some fellow whose own course leaves him liable to trouble and gives him to understand that the only way he can save himself from such trouble is to "come through" with evidence against the neighbor whom the agent wishes to cinch. Such is the system under which great stacks of "contests" have been piled up in Washington, upon which to base a demand for big appropriations through which the gang can be supported and perpetuated.

[The Oregonian.]

A PRACTICAL SUGGESTION.

Senator JONES, of Washington, suggests that the best solution of water-power regulation will be obtained by relinquishment to the States by the General Government of the power to control or administer the water flow. "I believe," says Senator JONES, "that the problem of water-power conservation will not be solved satisfactorily until the state governments have taken the matter up and enacted suitable legislation governing the matter. It is well for the Federal Government to stand guard over the remaining water rights until such time as this can be done, and I believe something along this line will be done by Congress at its approaching session."

It is a wise suggestion. The General Government can do nothing with the subject, except to "stand guard" over the water flow and order people away. This will "conserve" the water power, indeed, but it will do nobody any good. Ever since the morning stars sang together the water has been flowing in its courses. It has been "conserved" because nobody could do anything with it. Is Government to continue the "conservation?"

The States might provide regulations for use of the power, and by the regulations encourage the use, but the General Government never can. The matter is too remote from the large purposes of the General Government. What, ultimately, is the General Government to do with

the water powers? What can it do but relinquish them to state regulation and control? Is it to operate them itself? Or is it to lease them to private citizens or corporations and turn the money into the National Treasury? Would this be fair to the new States, where these unappropriated water powers lie? In the old States the Government has permitted all of them to pass under private control. Eastern theorists now clamor for "conservation" in newer States.

If the States can not make anything out of the water powers, be sure the General Government can not. What is to be gained by making the water powers, with adjoining public lands, a perpetual reserve? The streams, as heretofore, will hear no sound but their own dashings. Men may come and men may go, but the streams will go on forever.

[Idaho Statesman, Boise, Idaho.]

COMMON-SENSE CONSERVATION.

Representatives of the Government continually call attention to the "wealth of the country's natural resources" when they talk about the forests. Who made them so valuable? Was it not in a large measure those who came into this country when it was a wilderness and made it habitable, and those who have followed their trails? Then, are not they entitled to participate in a fair distribution of that wealth?

The policy of protecting and conserving our forests is a wise one when the great underlying principle of securing the greatest possible use for all the people is maintained. It becomes not only unwise but positively obnoxious when that principle is lost sight of, and that today is the danger ground toward which the Government seems to be moving.

Maximum use of the forests, consistent with preservation and continued growth, is the watchword of the practical conservationist. Minimum use is the purpose of the theorist, who, with long-distance solicitude, would build a stone wall around the wooded mountains—a plan that is not only prejudicial to the people but that is positively detrimental to the forests.

Let us briefly view the situation from the standpoint of the most ardent conservation advocate. His idea is to "save the forests." He builds his wall and says, "Keep out!" The forestry official will deny that such rigid prohibition is decreed, but the effect of the hundred and one regulations is to bar the forests to all but a comparatively few, and these are so loaded down with red tape and heavy charges as to render use by them of that part of the public domain anything but a blessing.

Being thus secluded, the forests grow on. The matured trees rot and die and other growth is damaged thereby, while the small trees come in so thickly as to render their proper development impossible and to make a farce of boasted reforestation in this, a forest primeval, which demands thinning out of old and new timber more than replenishment. And this is called "saving the forests!"

Meantime, if the lumberman desires to use the forest, he is assessed the very highest stumpage charge, added to which is the heavy cost of carrying out the regulations of the bureau. He is practically debarred from moving the timber that should be cut down for the benefit of the forests themselves.

The householder, in the grasp of a fuel combine, looks in vain to the woods, where there is an inexhaustible supply—enough material going to waste every year to free the people living adjacent to it from the pitiless levies of coal and railroad companies. Yet if the victim appeal to the Government for the use of enough of this stuff that is rotting by the thousands of cords to keep his family warm, he is only permitted to secure a supply by submitting to regulations that impose a price in comparison with which the toll of the trust is a bargain.

Leaders of political parties speak eloquently of ridding the people of trust burdens. The Republican party to-day, in control of all branches of the Government, has it in its power to break the fetters fastened upon a mighty army of western people by the lumber trust, by the fuel trust, by the railroads, and that without in any way injuring the forests, but, on the other hand, giving it conservation that conserves, giving it eternal life as opposed to gradually sapped vitality and inevitable death while dogmatic doctors apply the absent treatment of ineffective theory.

All that is necessary is to apply common sense to the administration of the forest reserves and to keep perpetually in sight the policy of the greatest possible use to all the people.

In dealing with those who would use the forests, the Government proceeds on the theory that each is a rascal. In fact that is its attitude with all too many features of administration. How long would any banking, industrial, or commercial establishment survive if it subscribed to such a policy? Not a month.

To-day the President of the United States is going over this western country telling the people what fine citizens they are, and at the same time every man in every department working under him treats our people as though they were a pack of thieves.

There must be more patriotism injected into forest utilization and into forestry administration as well, and that is impossible so long as the one is characterized by contempt flowing out of unnecessarily harsh restrictions and the other by a conception of duty based on an idealism that blinds subordinate officials to the really big end to be attained.

There is no reason why the forests should not be reasonably used by the stockman, by the miner, by the householder, without the imposition of onerous and proscriptive rules; there is no reason why the forests should not be employed to the maximum extent without injury to them and without liberty being converted into license; but such seems impossible under conditions existing at the present time, when those who are entitled by all that is right and equitable to the fullest benefit of a national resource, whose value can be measured largely by their efforts, are first practically outlawed and then subjected to harsh regulations, acceptance of which is marked by tormenting espionage.

[Lewiston (Idaho) Tribune.]

CRIMINAL IGNORANCE OF WATER-POWER SITES.

"What are Secretary of the Interior Richard A. Ballinger and National Forester Gifford Pinchot fighting over? If you will have the blunt truth, sir, they are fighting over your property and mine, whether it shall or shall not be grabbed by monopolists. More than that, they are fighting over a gigantic heritage, worth millions of dollars, the heritage of our generation; over property that ought to descend freely to your children and mine, and to their children's children. If Pinchot wins it means that your rights and my rights and the rights of our children after us in our own property will be reasonably secure, at least for the present. If Ballinger wins—h'm. Well, let us see."

The foregoing introduction in a current magazine article is a fair sample of the campaign now going on against the Western States to prevent their native wealth or prospective wealth from entering into human uses and playing the same part in the making of the West that the identical resources have played, and must play, in the making of the East. The land and the timber have already been appropriated as official spoils, the minerals are in process of being so sequestered, and now the effort is to take the waters and their energies and beneficences away from popular service and put them beyond ordinary human adaptability. "Power sites" are now the great bugaboo, and the literature on the subject and the stump oratory expended would certainly make it seem that there is a Philadelphia mint in every running brook that the octopi is greedily getting its claws upon to the enslavement of some vast myriads, born and unborn, somewhere and somehow. There are a great many little towns and some larger ones that would like mighty well to have this octopus get busy and harness the idle waters and furnish them with light, power, and heat, or at least purchase the "rights" hopeful citizens have located in the expectation of being able to develop a generating plant for home uses, but this octopus is the most elusive and shadowy figment that otherwise intelligent minds ever yet conjured up, sad as it is to confess it.

Pinchotism does not nominally pretend to entirely prevent the use of water for human purposes, but only to tax it and give short-lease terms, say twenty-five years, at the end of which the investment must expire. What an idea! Why should not the vast investment attached to developing electrical forces be safeguarded to the citizen the same as his real estate, his mines, his railroads, or other valuable thing? Why force him into a transient undertaking, built and operated at the least cost, and sold at the highest price in order to recoup himself during the allotted period? Pinchotism, in order to make the color of a case, conceals the limitations upon the uses to which the investment may be put in that municipal franchises themselves now do precisely what he pretends to be doing. A mere water power does not grant entrance to a city, the use of its streets and contracts for supplying service. Each particular community attends to all that and regulates or has the power to regulate both the duration of a franchise and the rates of its service.

The fact that water power companies are not more rigidly regulated is due to two causes—one, that generally they are not specially profitable, as the site where the energy is produced is naturally located, unless in unique instances, far from cities, and the original investment is so large that fuel power can frequently be produced more cheaply; in the small towns it is a struggle for the electric companies to survive at all; the other cause, where the city has grown great and the power company correspondingly so, the corporation is not adequately regulated for precisely the same reason that other monopolies, trusts, and predatory privileges are not regulated or suppressed, because of faithless or corrupt government. If Pinchot's government is reasonably free from corruption at this time, it would not, according to all precedent, remain so long, after its power once became firmly entrenched and its sources of pelf multiplied. The only possible fruitage that is now apparent from his policies is to close up all the original little avenues of individual effort and thrift throughout the West, to be unlocked hereafter only with the keys of cupidity, or working through the polluted channels of partial or partisan relationships.

[The Post-Intelligencer, Seattle, Friday, September 24.]

WESTERN VIEW OF CONSERVATION.

Judge Hanford, of the federal court of this district, in an address before the Yakima visitors to the Alaska-Yukon-Pacific Exposition on Wednesday, voiced some opinions on the matter of conservation which are not at all understood in the East, yet which are held by the great majority of those people in this part of the country who have given the matter intelligent study.

With the purposes of preventing waste, destruction, ruin, or monopolization of natural resources, and their conservation for the future, so that the supply may never become exhausted, the people of the State of Washington are in the heartiest possible sympathy. Why should they not be? They are the ones directly to be affected thereby; their future and that of their own children it is that would be imperiled if the natural resources of this State were dissipated or monopolized.

But with the radical policy which seeks to arrest at once all further development of our natural resources, to withdraw them all from use, to prevent any further individual exploitation, and to reserve them all as sources of ultimate income to the Federal Government, all of that income to be paid by the people of this State, there is a most decided and determined opposition. The utilization of our natural resources, without waste and in such a manner that they may not become exhausted or monopolized, is one thing; their perpetual reservation as a source of income to the Federal Government alone, without regard to the rights of the people of this State, whose presence here and whose work here up to this time are the things which alone have given real value to the landed property of the Federal Government, is another.

The people, for example, desire to see our splendid water-power resources developed, that cheaper power may be furnished for our cities and manufacturing industries thus built up. Yet the present policy of the radical conservationists is to withdraw these water powers from the possibilities of present utilization, in order that at some future time the Federal Government may receive a large income from the sale of this power to individuals, who will develop it and sell the power to the people of this State.

In other words, with vague talk of the possibilities of the creation of water power and timber land trusts the radical conservationists are sedulously engaged in building up just the kind of monopolies which they prate about opposing.

When 27 per cent of the area of this State of Washington was made into forestry reserves, covering practically all of the timber land to which the Federal Government retained title, the immediate result was to double, and then to double again, the value of all of the timber land in private ownership, to quadruple the price of stumpage and to impose an extraordinary and heavy tax upon every user of lumber. It made it easy for the large owners of timber land to get together and to hold their timber at any price they chose to put upon it, for they alone had timber to sell, and no more timber land could be purchased from the Government by anyone.

When the Government removes from the possibility of utilization the hundreds of idle water powers in this State not at present utilized because it has been impossible to enlist capital in the expensive work of building plants in advance of the demand for power, what is the inevitable result? Naturally, to enhance enormously the value of the water powers which have already passed into private ownership and which are now being utilized, and to make possible the very monopoly which the radical conservationists claim that they oppose, by removing the

possibility of future competition through the use of the idle water powers not yet taken up.

The irritating thing is that these radicals refuse to see that the people here are the ones alone vitally interested; they alone give the land, the timber, and the water powers their value; they alone are to use these natural resources. They are abundantly able to protect themselves against any monopolization, for they alone can give the franchises through which the power from the mountain streams can be distributed. They are being protected by theorists against themselves, in matters about which ahey are infinitely better posted, and in which they are a thousand times more interested.

[Washington Post.]

MAY CHECK EXODUS—WILSON PLANS TO STOP FLIGHT OF FARMERS TO CANADA—TO CLEAR FOREST TRACTS—RANGERS ORDERED TO GIVE ALL POSSIBLE ASSISTANCE TO SETTLERS—UNITED STATES LOSES THOUSANDS OF HOME BUILDERS BECAUSE OF FOREST SERVICE REGULATIONS—RED TAPE TO BE ELIMINATED—PROCLAMATIONS SOON TO BE ISSUED PLACING 4,000,000 ACRES WITHIN THE REACH OF AGRICULTURISTS.

(By Arthur C. Johnson.)

Deeply impressed by the fact that many hundreds of American farmers, imbued with pioneering proclivities, are passing over opportunities for making homes in the West and flocking to the frontier in western Canada, the Secretary of Agriculture is preparing to inaugurate a system whereby settlers will be induced to occupy arable tracts within the forest reserves.

As a starter on this policy, Secretary Wilson has already dispatched Chief Forester Graves on a tour of the forest reserves in the West with orders to serve notice on all forest supervisors and forest rangers that hereafter everything possible must be done by them to aid settlers not only to find farms within the forest reserves, but to acquire these tracts and become bona fide citizens of western expanses. According to the Secretary's determination, many of the burdens heretofore imposed upon settlers in demonstrating the possibilities of farming tracts they have discovered within the confines of national forests are to be lifted, and the forestry employees are to be required to exert every effort to people such portions of the reserves as exhibit any signs whatever of being of value for the raising of products.

It can be definitely stated that it is the intention of the Department of Agriculture to carry this policy to the extent of actually removing and disposing of merchantable timber from tracts where the standing growths are not necessary to conserve water supply, and turning said lands over to settlers for occupancy and improvement.

WELCOME NEWS FOR THE WEST.

The news of this stand by the department will be received throughout the West with acclamation, for one of the chief curses directed against the forest-reserve policy heretofore has been in relation to the zealousness of the administrators in maintaining the national forests as sacred expanses wherein a settler must laboriously prove his right to enter and take up farming land.

Although directed from Washington to grant to the pioneering farmer the right to enter agricultural tracts within the forests, it is charged that the rangers and supervisors have been required to lay forth such an array of "red-tape" proceedings in these instances that many a prairie schooner, in which the settler carried his family and all of his worldly effects, has wound its way wearily onward to localities where open arms awaited the man who showed his intention of breaking in the wild soil and fighting out his livelihood.

It has been discovered that Uncle Sam has lost many an inhabitant for his sparsely settled regions in the West through the sheer disinclination of that individual to go through the maze of regulations which the Forest Service has imposed upon him, and through the fear of having his claims entirely disputed in the end and being thrown out penniless to wander into more hospitable territory.

Through the fact that the average homeseeker and agriculturist is not a protesting individual, the pronunciamento of a forest ranger that the tract he has selected is more valuable for forest purposes than for farming almost invariably has caused him to fold his tent and steal away with the idea that forest reserves are accursed territory. Such protests and appeals as have come to Washington in the past for a reversal of this strenuous policy of fastening upon the settler the burden of seeking his home in the reserves and of imposing upon him the expense of waiting for a decision as to his right to occupy the land he has picked out have been invariably met with the assertion that the man who is obtaining a home can surely have the pluck and endurance to fight out his right to it when he finds it, and that in order to keep the national forests from despoliation the Government must adopt a cautious course toward all comers.

SECRETARY REALIZES HARDSHIPS.

Secretary Wilson himself realizes the hardships to be met by the man who is wandering over the country in search of a homestead, for his own parents made their way from the East to Iowa in the early fifties in an humble wagon drawn by an ox team and entered that State before it had a railroad within its border. He believes that the Government should place as little discouragement as possible in the way of the individual who is thus willing to cast his fortunes with the soil, and he has resolved accordingly that while the ends for which forest reserves were created shall be conserved, the man who desires to settle within them shall be given every opportunity within reason to take up land and proceed to reap the fruits of his industry. He has ordered that forest rangers shall in the future befriend in every way possible the man who is searching for a home, and if there are suitable homesteads in the lowlands, which are now reserved from entry on account of the presence of a small amount of salable timber, the Government will dispose of that timber and give up the land, providing its agricultural improvement can be foreseen.

The Secretary sees many advantages in this system of settler encouragement. Not only will the States gain taxable property, he reasons, but the increase in the number of inhabitants will serve to keep the forest fires in check. It will be possible also to do away with many so-called ranger stations—those extensive open tracts which are now being maintained for the support of the forest employees in charge—for the increase in the number of the settlements will give the rangers places to live.

4,000,000 ACRES SOON AVAILABLE.

There is at present in hand at the Forest Service offices a general elimination from the national forests of tracts which do not bear timber growths. Proclamations will be issued before long returning over 4,000,000 acres of land to the public domain, where the right to enter it will be as free and unrestricted as the land laws will permit. Secretary Wilson has intimated recently that other eliminations will be made from time to time until the land which the Government has no right to reserve for forests will be removed as thoroughly as possible. If there still remain tracts within the reserves upon which settlers think they can make a living by farming, those individuals will be aided in acquiring them, providing they do not bear trees which are necessary to protect the water sources. The Secretary of Agriculture admits, in fact, that he has authority to make settlement in the forest reserves, an undertaking wherein the nature of the land itself will be the restrictive agent rather than the Government.

A similar liberal policy will be put in force in regard to the prospecting and the locating of mineral deposits within forest reserves.

The fact that more than 87,000 farming individuals went into Canada from the United States inside of eleven months and settled on the agricultural tracts there undoubtedly has made an impression upon President Taft and his Cabinet. The activity of Secretary Wilson in welcoming settlers to the national forests is supposed to be the initial effort of the Government to remove the excuses which these Americans have made for not making settlement upon lands which are equally productive within their own country.

Action may soon follow in the regions where vast strips of land are withdrawn from entry and awaiting the action of Congress in regard to the conservation of water-power sites. It is realized that through the extensive system of land withdrawals for forest reserves, reclamation projects, and conservation movements in general the United States has perhaps gone much further than was ever anticipated in the discouragement of western settlement.

[Los Angeles Times.]

IS LAND FOR MEN OR TREES?—THIS IS A WESTERN MATTER, YET CONTROLLED BY EASTERN FADDISTS.

That part of the American Continent where the Pilgrim Fathers landed from the little ship *Mayflower* in 1620 was and is "a stern and rock-bound coast," but these Pilgrims, those followed them and their descendants, have made a broad and brilliant record upon the pages of history. It has been the boast of New Englanders that where the rocks came too near the surface to permit a blade of grass to grow they had "planted a schoolhouse and raised men." The men raised in New England have been more to America in statesmanship, in material progress, in literature, and in morals than any mere material product of any part of the United States. It was these men, raised on the stormy, rocky coasts of New England, who sought, subdued, and developed the West and produced all the wealth from the new country.

In reference to this matter, one might very well stop to-day and ask the question: "Is it right that nearly 20 per cent of the State of California is now withheld and controlled in an undeveloped condition in the forest reserves?" It might be added: "Does not the Government bureaucracy stagnate natural development over areas of immense potential development?" Furthermore, is it not well to consider whether the Government policy of wholesale land classification is accompanied with no dangers to the West?

It will no doubt stagger some of our readers quite to comprehend that one-fifth of all the State of California is included in the Government forest reserves. But that is so. The Forestry Service is our authority for the statement that up to January, 1907, there had been withdrawn from the public domain within the State of California for forestry purposes a total of 19,035,810 acres, and at that date there were several reserves proposed which have since been permanently located. This area is equal to 29,473 square miles, and a glance at statistical tables shows us that this area is greater than the entire areas of Massachusetts, Vermont, Connecticut, and New Jersey combined. The entire forest reserves of all the United States aggregated over 60,000,000 acres as early as October, 1902, an equivalent to 93,000 square miles.

Now, this is a Western subject, dealing with a Western matter particularly interesting to the West. Hon. Gifford Pinchot is exceedingly fond of the hackneyed phrase "a square deal." It would be well for all persons interested in the West, in the people of the West, and in the development of the wealth of the West, to ask if the residents of Western States are getting "a square deal" when vast areas equal to empires, larger than many Eastern States, have been withdrawn from entry without examination, as is vouched for by a former forestry chief. Mr. Pinchot, when he was on the stand the other day and confessed he had no definite evidence to lay before the congressional committee, laid much emphasis upon what he called "unavoidable inferences." Is it not more than an unavoidable inference that the stretching of authority so far beyond all reason conferred by a rider attached to a bill for another purpose as to alienate from all use these vast areas of land, much of which might be of use for agriculture, much for mining development, both of which by exact statute are preferred before forest reservation?

[Excerpts from address of Federal Judge C. H. Hanford, at exposition.]

A new doctrine is being preached that the public domain and all its undeveloped wealth belongs to all the people, and that the use thereof should not be permitted except in terms which will yield wealth to the National Treasury.

These new policies have their roots in paternalism, their tendency is toward despotism and, if not checked, they will choke to death our boasted government of the people, by the people, and for the people.

The general public derives benefits from the enterprise of individuals, and the taxes which they pay upon the wealth which they create and the general public can not rightfully exact more.

[Views of Mr. A. J. Wiley, one of the most noted engineers and one of the most highly respected citizens of the West.]

DECEMBER 11, 1909.

Hon. W. E. BORAH,
Washington, D. C.

DEAR SIR: In view of the impending legislation with respect to conservation, I want to give you my views on certain aspects of that subject, having been for many years interested in the development of water powers and feeling competent to speak with some authority upon that branch of conservation.

Conservation, as applied to water power, seems to confine itself to impeding development by withdrawing from entry all public lands in the vicinity of power sites, with an idea that some officer of the Government shall have discretionary power to grant the right to develop power under certain restrictions intended to guard against monopoly and also to make the power a source of revenue to the Government.

To guard against monopoly, the right of way is not granted absolutely but only for a limited term of years, subject to renewal or cancellation at the option of the departmental head who has it in charge.

Conservation, as applied to water power, is a misnomer; for no act, either of a selfish individual, a grasping corporation, or a paternal government bureau, can either increase or diminish the potential energy of a stream. Whether our water powers are developed now, or whether enterprise is so hampered by governmental relations that they remain dormant for years to come, will not affect the amount of water power available for posterity, but it will affect the total amount of heat and energy at the disposal of future generations. So long as the sun evaporates the waters of the ocean, the streams will return it from the mountains to the sea, but its energy can not be conserved. Wasted today it is gone forever, and its work must be done by steam at the expense of our limited and irreplacable supply of coal.

Viewed in this light, conservation, in so far as it hampers in any respect the full and free development of our water powers, is not conservation, but criminal and irreparable waste.

The development of water powers requires large investments of capital, usually made under conditions necessarily more or less hazardous, and some of the largest developments have been made at a loss to the investors. If, to the natural risk that a water-power development offers, you make it impossible for it to obtain a right of way except for a limited period, you have added a condition that makes it almost, if not altogether, impossible to induce capital to invest in this form of enterprise.

Up to a very recent time, instead of considering the development of water powers as a menace to the public welfare, the federal laws, like those of the individual States, have been framed with a special view to their encouragement by facilitating the acquisition of right of way and water rights. Under this liberal policy there has been a very general development, and, as a rule, throughout the West the smallest towns are provided with cheap lights and power. The restrictions as to right of way and special taxation, which it is proposed to put upon future development, will not affect these established rights, so that they will continue unmolested, while the competition which would naturally come from new power developments is discouraged by the unequal burdens which it is proposed to place upon them. That this is not an imaginary condition is proved by the total quietus placed upon new power developments in cities where a shortsighted policy has imposed a special tax and a short-time franchise upon future power developments.

The advocates of a federal tax upon power developments lose sight of the fact that the title to the water which creates the power is not in the Federal Government, but in the State, and, further, that such a tax does not fall upon those who develop the power, but eventually must come from the consumer.

The only argument advanced in favor of the restriction of water-power developments is the possibility that they may combine into a burdensome trust. As a matter of fact, there is not the temptation to form a trust in water powers that there is in commodities. Power can only be transported over limited distances and by an absolutely different form of conveyance from that which, in the shape of rebates and special privileges, has been such a potent weapon in the hands of the commodity trusts. A copper wire is no respecter of interests and will not carry power farther, faster, or cheaper for a trust than an individual.

It is true that there is a strong tendency to the consolidation of interests in the water powers of any particular locality, because such consolidation is in the interest of good service to the public and is necessary to the financial success of the enterprises. It is evident that if a community is served by a number of different organizations, each at war with the other, that if there is trouble with any one of the power plants it can expect no aid from the others and the part of the community which patronizes the owner of that plant is going to suffer, while if all the plants were under one management all the lines would be coupled together and one plant could drop out for repairs without affecting the service.

There is no form of competition so keen and unreasonable as exists in the distribution of electrical energy developed by water power. In the case of ordinary commodities, the selling price is at least limited by the easily ascertainable costs; and the same is true of energy developed by steam, when the cost of coal is almost directly proportioned to the energy developed and forms some criterion of the cost of the power. In water-power developments the cost of operating a given plant is practically the same whether it is developing 1 horsepower or 1,000, and there is no definite limit of cost below which it is impossible for them to sell and live, for a time.

While the ruinous competition resulting from this condition usually results in consolidation, with higher prices and better service than prevailed with unrestricted competition, this is always regulated by the fear of new competition, a wholesome condition which would largely be destroyed by the restriction of competition resulting from the unequal burdens which it is now proposed to place upon new enterprises.

Any general consolidation of water-power developments is entirely impossible because it lacks a motive. There is no reason why the profits of a company supplying power to Denver should be increased by combining with one operating in Salt Lake or San Francisco, unless this combination enables them to increase the price in these places. In this respect the combination could do no more than the individual companies; it would be unable to transport the power from one city to another; and there would be no apparent reason for any consolidation of interests in localities not naturally so closely related as to be affected by the same conditions. In such localities the price of power, the development of which is purely a public utility, can be regulated by the State. Will not this regulation be more closely looked to when done by the representatives of the people directly interested than if vested in a bureau official in Washington?

The people of the West believe that the development of power should be given the same encouragement by the Federal Government as is given to the mining of precious metals, and with even more reason. While the production of the precious metals increases the present wealth of the world, it diminishes the amount available for posterity. The development of water power, while increasing the present wealth and comfort of the world, not only leaves it unimpaired for posterity but greatly augments the resources of the future by decreasing the consumption of wood and coal.

We believe that the water powers will be best conserved by their development, and are heartily opposed to any narrow policy of conservation by restriction equivalent to prohibition.

Very respectfully,

A. J. WILEY,
Consulting Engineer.

WHY EAST AND WEST DIFFER ON THE CONSERVATION PROBLEM.

(By Leslie M. Scott.)

The purpose of this article is to suggest that the Pinchot conservation idea of Eastern States antagonizes the far western idea of that subject.

In the East Pinchot conservation means resistance to private greed and corporate fraud that have sought to despoil and waste the public domain at the expense of the public.

In the Far West Pinchot conservation is held to mean obstruction of settlement and public progress that comes from opening of new lands.

Far Western States, like Oregon and Washington, which contain the largest forest areas and the largest water powers in the United States, prefer state conservation to Pinchot or national conservation.

In the western mind purchase of land from the United States, at $1.25 or $2.50 an acre, for settlement is in accord with the good and lawful policy of the Nation and should continue.

More than one-fourth the land of Oregon—16,221,000 acres—is locked up within government forest reserves; also more than one-fourth the land of Washington—12,065,000 acres. The Government holds other large slices in withdrawals for water-power sites, unopened Indian reserves, and irrigation projects, which latter, especially in Oregon, will be carried forward goodness knows when. The Southern Pacific Railroad holds in Oregon as a big reserve of its own 2,000,000 acres of the finest land in the State, granted by Congress in the early seventies, and refuses to sell. Private and corporate timber-land tracts aggregate many million acres more. Five wagon-road companies in Oregon own immense areas of congressional-grant land.

In brief, out of 61,000,000 acres of land in Oregon, fully one-half, if not more, is locked up from settlement, and much of the remaining half is arid, barren, and bleak. Much of the forest-reserve land could be opened to settlement without wasting timber wealth, for a large part of it has few or no trees, and other areas, extending down to the base of the mountains and into the valley, will produce more wealth with cows and potatoes than with forests. Vast mountain regions are unfit for farming; fit only for forest. These conserved will yield the people timber forever. Pinchot officials say the law authorizes homestead settlement on government-reserve land which is suitable for agricultural use, but determination of this matter rests with Pinchot officials, and few admissions into forest-reserve land are desired by settlers under conditions that prevail, and very few are allowed.

These same restrictions exist in other Western States, but the effects are nowhere more glaring than in Oregon. Here Americans organized their first political community on the Pacific coast in 1843. Yet in population and growth Oregon is last of the Pacific Ocean States. Its aggregate area barred from settlement amounts to 50,000 square miles. This exceeds the total area of the State of New York or Virginia or Pennsylvania. It exceeds the combined areas of Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, Delaware, and New Jersey. It almost equals that of Alabama, Arkansas, Illinois, or Iowa. The Nation has bestowed vast parcels of Oregon on grabbers and selfish corporations, and now "Pinchotism" steps in to lock up the rest from the people's uses.

The taming of land requires patient, hard work, and is accompanied by privation and stress bordering on poverty. This development Oregon and Washington need and demand. Land laws allow it, but officials have suspended the laws in answer to a clamor in the East from persons who know little and care less about far western efforts for progress and upbuilding, and imagine conservation means simply protection of the public domain from spoliation. Meanwhile tens of thousands of the most vigorous citizens of the Nation, of the type that "saved" Oregon and Washington, are going to Canada to make homes under the British flag on bleak and wind-swept wastes. This land they obtain by payment of a nominal sum of money; the Canadian government virtually gives it to them, but they pay a higher price than any gold is worth in frontier toil and suffering. The laws of the United States also virtually give wild land to settlers, and have done so for generations in all the States west of the Alleghenies. But settlers paid for it amply in hardships, and so they must still do. Yet a howl goes up in Eastern States against this application of the old law from persons who do not understand. Busy officials think themselves called upon to stop this settlement of the public domain, this "robbery of the people," they hear it called.

The real robbery was perpetrated by land-grabbing syndicates working under stupid laws of Congress. That lawmaking body and officials in the National Capital blazed the way to the Nation's land-fraud scandal. The lieu-land law was an incubator of fraud. Now the revolt against these abuses has rushed to the other extreme, to the detriment of far Western States.

The people of Oregon and Washington think they should have something to say about control of their forests, lands, and streams. Their efforts have given these resources most of their value, and, back two or three generations ago, their patriotism snatched this country from Britain to the United States.

Further, they want the resources of their States administered in accordance with local needs. In the office of the Forest Service in Portland is an army of "foreigners" ruling over their lands and forests and streams. In other words, the great resources are in the hands of men who have no abiding interest in the growth of this Northwest country. They wish to hold their jobs, and to do this they seek to please their superiors in Washington by showing how busy they are preserving the public domain from spoliation. But they are men who keep the stable door locked after the horse is stolen. Big frauds have taken vast areas of the public domain, but on this account are settlers to be barred out of the remaining land, the laws suspended, and a land system reversed that has made other States great and wealthy for generations past?

The people of the State of New York own 1,641,523 acres of forest reserves in the Adirondacks and the Catskill Mountains, according to the last message of Governor Hughes. The governor urges a project for increasing this total area to 4,000,000 acres, and for developing 246,000 horse power from waters of Hudson River. This work in New York will be state conservation. It will be carried on for lasting benefit of the State of New York. Local desires and needs will be conserved along with the resources. The people of New York, of course, would not hand this business over to the Pinchot bureau in Washington; they have their own ideas of how they wish their resources conserved and what other things are to be safeguarded along with them. Resources of Oregon and Washington and other Western States, however, are managed to suit nonresident ideas in the national capital. They are taxed to pay salaries of a host of officials whose purposes are elsewhere. The people of Oregon and Washington, unlike those of other

States, must pay toll for the use of their own streams and forests to the people of the United States and a swarm of high-salaried officials.

Water power is a local utility; it can not be transmitted long distances; its conservation is naturally a local matter, and the laws of the Nation and the States have always regarded it as a subject solely of state supervision and legislation. The laws of Oregon and Washington are fully adequate to protect the public, perhaps more so than those of New York State are adequate to protect the public of that Commonwealth. Just think of taxing the people of New York to pay an army of inspectors and agents and conservers in the national capital to look after the public forests in the Adirondacks and the Catskill Mountains and the water powers of the Hudson River!

National control of state resources is assumption of authority unauthorized by the Federal Constitution and violation of the laws and the precedents of the Nation. This authority is not contained in the enumeration of powors conferred on the National Government. To make this doubly sure, two amendments to the National Constitution specifically declare: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people;" and "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively or to the people."

If Pinchot conservation is unconstitutional it is also contrary to the statutes of Congress. Although the public domain is supposed to be administered according to the acts of Congress, the Forest Bureau makes rules and regulations which have all the force of such acts and even take precedence over them. The laws guarantee every adult citizen the privilege of acquiring tracts of the public domain by complying with the laws, but the Pinchot bureau steps in and suspends the acts of Congress. This is wrong policy. The old method should be restored. Settlement should be encouraged. It has built up every State in the Union. Then why not these Western States? The "people" would not lose. Receipts from land sales have fully indemnified the Nation already. New land should be put to uses of wealth production. Cheap land, sale and use of lands containing the great resources of the country have given the Nation its immense development. The policy has increased our population by tens of millions and our wealth by hundreds of millions. Yet Pinchot conservation tells us now that this was wrong; in substance, that the country would be better in its savage state. We are led to believe that it was a mistake to destroy the original fine timber that stood on the site of the metropolis of Oregon.

"CONSERVATION," THE FAD OF THE YEAR.

(By Clarence F. Johnston, state engineer of Wyoming.)

The effect of forests on the run-off of streams has frequently formed the subject of discussion in the State of Wyoming. The controversial points at issue may be clearly comprehended by considering how the problem was brought before us at first and how it is presented to-day. The argument formerly was that streams owe their existence to forests, but during the past year there has been a dearth of this kind of argument on the subject, and the press dispatches, cunningly worded and widely distributed, no longer refer to this important matter. The reason for the change is not far to seek. The American Society of Civil Engineers took up the question a litle over twelve months ago and referred it to a man who had for years collected facts dealing with the subject. He handed the society a paper and the bureau chiefs a body blow that has resulted in the death and burial of this hobby in so far as its sponsors are concerned. It was necessary to get something else to stampede the people. It was essential to have a scarecrow to attract attention from duties unperformed to matters that might be conjured into a nightmare in the public mind. It was natural to go down the mountain side away from the trees (which were evidently doing the streams no good), to ascertain if there were not some problem at lower altitudes that might serve the purpose and thus direct attention from from the actual work of the bureaus and place the bureau chiefs in the lime light. The problem was discovered. A great dragon was found to be threatening our lives and liberty. This is the water-power trust. The effect of forests on stream run-off has been forgotten. It is well; a new red wagon has been found to take its place. The press bureau can continue its deadly work.

It will be noted, upon careful study, that none of the bureau chiefs, who are so concerned about his great trust, have any official business connected with problems of the kind. This is of little consequence. The less they know concerning such a subject the more credit is likely to be given them for going far out of their ordinary paths to warn a great, yet careless, public.

The bureaus, while dealing with the effect of forests on stream run-off, were obliged to treat subjects of a scientific nature. The press dispatches were presumed to be somewhat scientific in tone, and the bureau chiefs were the authorities. To deal with the great water-power trust science must be thrown to the winds. This is a problem of law, politics, and political economy. The same bureau chiefs and the same press bureau are able to handle one question as ably as they are the other.

Through the activity of these bureaus a bill has been introduced in Congress which is designed to give the Government control of streams wherever such streams pass through public lands. Congressman MONDELL showed the House, and more particularly the stepfather of this bill, Mr. MANN of Illinois, that the legal phase of the subject is still to be worked out. Nonnavigable streams are, under the Constitution, reserved to the sovereignty of the States. Congress and the federal courts have repeatedly recognized this. It was shown by Mr. MONDELL that the bill related wholly to Western States, because only there can public lands still be found. He showed that these States only have accepted the responsibility of administering the diversion and use of water from streams. Eastern States have failed in this particular, and it is possible that a water-power monopoly might have sprung up there. He indicated plainly that the bureau chiefs, if concerned at all, should plead with these Eastern States to brace up and shoulder the responsibility that is theirs. While Congress was trying to arrive at some conclusion as to its powers and duties in this matter one of the bureau chiefs was traveling about the country trying to arouse public sentiment in favor of his theory. He claims that the opposition to his measure comes from the great trusts and that this opposition grows as his services in behalf of the people increase. How often we see such foolishness in print! How seldom do we find a commendation of work such as Mr. MONDELL is performing for Wyoming and the West! Public conscience and public perception will be dulled by the repetition of error in the public press. Has this misfortune already come upon us? Let us think of pleasant things.

No good citizen upholds those who waste what might be used profitably by or to the advantage of others. The idea of saving everything that has value is not new. Countries of the Old World can show us examples of this. Farming land has been used in many places there for four and five thousand years. These lands are still producing excellent crops.

There is no question but that, of recent years, the people of the United States have paid more attention to public interests and less to individual desire than was the case formerly. The great question with us now is as to whether our local and domestic relations are to be controlled wholly by the bureaus at Washington or whether the rights guaranteed to the States by the Constitution are to be given recognition. We have on one side a Congress representing many individuals and on the other great bureaus representing men of ambition and their fads and fancies. During the past ten years these bureaus have driven Congress to recognize their power. Never in the history of the world has such a condition arisen. Men with unlimited capital in high official position have been able to advertise themselves and their hobbies until half of the Nation has been persuaded that trees in the West deserve more protection than do the people. The citizens of western States are now branded as thieves and lawbreakers of the worst type. Regardless of law, administrative officers at Washington (who are supposed to represent the people under statutes that the representatives of the people have enacted) withdraw from all forms of entry any tract or tracts of land that they desire. Regardless of law, state constitutions, and federal court decisions, federal officers attempt to assume control of nonnavigable streams. Regardless of right and regardless of justice, great bureau chiefs conduct press bureaus and control popular reading matter, until even fair-minded men have doubts as to the truth. We have reached one of the critical stages in national development.

To-day we have a reservoir held up when a right-of-way application is regularly filed with proper government officials because some conserver has discovered that it may be possible at some distant date to develop water power in the vicinity. In the meantime the prosperity of thousands of settlers who are to use the water that will be stored in the reservoir is in question. To-morrow a poor homesteader is arrested for taking dead and fallen timber from a national forest to enable him to properly care for himself and family. Although our laws provide that all lands in national forests are open to homestead entry, yet forest rangers dictate what lands shall be taken and then persecute the entryman. A great railroad magnate can exchange lands which contain a few trees for land scrip which he can apply on millions of acres of public land anywhere. Another magnate can retain a part of a timbered mountain range while all surrounding timber lands are thrown in a forest reserve. A conservation congress is called by the bureau chiefs, and these magnates are the principal delegates. They read papers and make addresses. One may have secured control of nearly all of the iron deposits in the country, another secured a strip of land 80 miles wide across the West, another obtained possession of coal, lumber, or oil. They are all welcome at the conservation congress. The subsidized press gives the public full information as to what magnate A or B has to say about conservation. What is the result of such meetings?

The eastern settler obtained a patent to his land. He owned this from the tops of the trees which flourished at the surface to the hot interior of the earth. If coal or oil were found later on his land, he profited. He had free access to the surrounding forests on government land, and his flocks and herds grazed at will on the public domain. The western homemaker has altogether different problems to face. He must comply with every detail of the public land laws and many rules and regulations or he fails to obtain patent. He has government officers in the character of special agents watching his every move. If he wants wood, he must find a forest ranger and arrange to pay for what he uses. His stock are not protected in any way if they stray beyond the boundaries of his own land, and if he is forced to range them on lands in a forest reserve he must pay tribute to the Government. If there is any liability of finding coal, gravel, shale, iron, or anything that might be of value to him under the surface of the ground, this is reserved. The great conservers who meet at Washington and who are entertained by the bureau chiefs may need some of these natural resources in time, and so the Government is conserving it for them. This is the bureaucratic idea of conservation. Every detail covering the results of the conservation movement to date has been in favor of the big man and in opposition to the best interests of the people of the West. It has been preached abroad in the East that these western resources belong to all of the people and all of the people should profit every time a settler needs a fence post; this river should in like manner yield a similar tribute.

True conservation is dear to every heart. The word becomes an empty nothing when it is used by wiley schemers who are endeavoring to obtain public applause by deceptive methods. The kind of conservation advocated by the bureaus and Peruna belong to the same class. Both are injurious and both need advertising to stimulate their acceptance by the American people. Both have succeeded to date by reason of advertising. Unfortunately for the bureau conservation movement and luckily for the people, its advertising department recently paid some attention to a big man from the West. This was an oversight and the result of an error of judgment. The effects of this little error will be apparent by the end of February, and arrangements have already been made in Washington for an investigation the like of which has never yet been undertaken by the Government. The Brownsville case will shrink into insignificance when the present controversy has been settled. Signs of a conflict can be read in the eastern sky. A wail born of suspicion emanates from no less a source than the Associated Press. The clans are gathering. The die has been cast and the boomerang of long years of misrepresentation is coming back. Let the play go on!

THE OTHER SIDE OF CONSERVATION.

(By George L. Knapp.)

For some years past the reading public has been treated to fervid and extended eulogies of a policy which the eulogists call the conservation of our natural resources. In behalf of this so-called conservation the finest press bureau in the world has labored with a zeal quite unhampered by any considerations of fact or logic, and has shown its understanding of practical psychology by appealing, not to popular reason, but to popular fears. We are told by this press bureau that our natural resources are being wasted in the most wanton and criminal style; wasted, apparently, for the sheer joy of wasting. We are told that our forests are being cut at a rate which will soon leave us a land without trees; and Nineveh and Tyre and any other place far enough away are cited to prove that a land without trees is foredoomed to be a land without civilization. (Witness especially Emerson Hough and M. O. Leighton.) We are told that our coal mines would be ex-

hausted within a century; that our iron ores are going to the blast furnace at a rate which will send us back to the stone age within the lifetime of men who read the fearsome prophecy. In short, we are assured that every resource capable of exhaustion is being exhausted, and that the resource which can not be exhausted is being monopolized. Owing to the singular pertinacity of the sun in lifting water to the mountain tops and of the earth in pulling that water back to the sea, even the disciples of conservation by scare heads can not say that in a few years we shall be a land without water power. But they say the next worst thing. From official bureau and lecture platform and from the hypnotized, not to say subsidized, press goes forth the cry that the water-power sites of the land are being hogged at a rate which will soon subject us all to the exactions of a cruel, soulless, grasping power trust, the acme and consummation of all other trusts. (Farmers' Bulletin No. 327, by Gifford Pinchot.)

For all these evils which make the future a thing to dread, the remedy is conservation. The Government, that potent "conjuh word" of civic atavists and political theologians, must stint its natural and proper tasks to engage in the regulation of this, that, or the other industry, to conserve our resources. To conserve our timber, the wooded areas of the public domain, together with all lands touching on and appertaining to the wooded areas, and all other lands that might, could, would, or should bear trees and don't, must be segregated from ordinary use and put under despotic control as national forests. (A forest officer defended to me the proposed inclusion of 94,000 acres of treeless land in the Gunnison Reserve on the ground that the "abuse of land contiguous to the national forests has a detrimental effect on the forests themselves." Both the English and the logic are typical.) To conserve our coal supply the coal lands must be kept from passing into individual ownership, and operated, if at all, by persons who lease the privilege from the National Government. To conserve our water power, the power sites must be treated as the coal lands, and developed, if at all, as leaseholds. In a word, the Federal Government must constitute itself a gigantic feudal landlord, ruling over unwilling tenants by the agency of irresponsible bureaus; traversing every local right, meddling with every private enterprise which seems to stand in the way of the sacred fetich of conservation.

Only by such drastic means, we are told, can the rights of the people be protected and the continued prosperity of the Nation be assured. So persistently and adroitly has this view been urged by the press bureau that millions of people wonder, in their innocence, why anyone should object to so needful and righteous a work. Acting doubtless on the suggestion of the founder of the Ananias Club, the conservation press bureau has impugned the motives of all who disagree with it. If one objects to the inclusion of nonforest land within forest reserves, he is ranked forthwith as a would-be robber of the public domain. If he doubts the propriety of the Federal Government setting up in business as a professional savior from imaginary ills, he is an "individualist"—that being the bitterest term of reproach in the "conservation" vocabulary. (Conservation for October, 1908.) If one objects to the leasing of the coal lands, he is plainly an undesirable citizen of some sort; and if he declares the proposed conservation charge for water power to be both unconstitutional and silly, he is marked at once as an emissary of that fearful power trust, which is so unconscionably long aborning.

Notwithstanding the ban thus threatened, I am going to enter the lists. I propose to speak for those exiles in sin who hold that a large part of the present conservation movement is unadulterated humbug. That the modern Jeremiahs are as sincere as was the older one, I do not question. But I count their prophecies to be baseless vaporings and their vaunted remedy worse than the fancied disease. I am one who can see no warrant of law, of justice, nor of necessity for that wholesale reversal of our traditional policy which the advocates of conservation demand. I am one who does not shiver for the future at the sight of a load of coal nor view a steel mill as the arch robber of posterity. I am one who does not believe in a power trust, past, present, or to come; and who, if he were a capitalist seeking to form such a trust, would ask nothing better than just the present conservation scheme to help him. I believe that a government bureau is the worst imaginable landlord, and that its essential nature is not changed by giving it a high-sounding name and decking it with home-made halos. I hold that the present forest policy ceases to be a nuisance only when it becomes a curse. Since that forest policy, by the modest confession of its author, is set forth as the model to which all true conservation should conform, I shall devote most of my attention in this paper to the much-advertised "national forests" and their management.

According to the report of the Forester for 1908, the national forests of the United States, excluding Alaska, covered an area of 155,822,030 acres, or 243,472 square miles—almost exactly the extent of the Austrian Empire. Nearly all this vast domain is located in the western third of the United States. My own State, Colorado, has 15,746,932 acres, or 24,604 square miles, in these national forests. This is just a bit less than one-quarter the total area of the State, and about equals the combined area of Holland and Belgium. Yet Colorado ranks as a bad fifth in misfortune, coming after California, Montana, Idaho, and Oregon. Not more than 30 per cent of the forest-reserve area of Colorado is covered with merchantable timber; and about 40 per cent of that area has no trees at all. I believe a similar percentage holds true, or very nearly true, on the whole national forest area. It was Voltaire, was it not, who described the Holy Roman Empire as something neither holy, Roman, nor imperial? By the same token nearly half our national forests might be defined as land locked up from the use of the Nation and bearing no trees.

Legally the Department of the Interior has entire jurisdiction over the management and disposal of the public lands. The Forest Service is a branch of the Department of Agriculture. But an agreement or treaty between the Department of Agriculture and the Department of the Interior hands over the jurisdiction of the Interior Department to the Forest Service so far as the national forests are concerned. Here are the first four articles of that treaty:

"ARTICLE I. The acceptance of the Forester's finding of facts concerning land claims within the forest reserves.

"ART. II. Definite notice to be given by the General Land Office to the Forest Service of a claimant's intention to make final proof.

"ART. III. The refusal by the General Land Office to issue final certificate or allow final entry for any land claim within the forest reserve against which a forest officer has protested until full hearing before the local land officers.

"ART. IV. The requirement of such stipulation and bond as the Forester may demand to protect forest-reserve interests before the approval of any rights of way within the forest reserves." (Report of the Forester, 1906. The word "article" is mine.)

The most cursory examination of these four articles shows that they constitute the Forester all but a despot within the vast region of the forest reserves. His finding of facts is to all intents and purposes final; not one prospector or settler in fifty has the financial means to contest those findings. No one can slip by unseen, for the Land Office is pledged to warn the Forester whenever some miscreant manifests his treasonable intent of staking a homestead or patenting a mining claim. Only in rare and scattered cases can any part of the national forest area become individual property without the Forester's consent. How willingly he will be likely to give that consent appears on page 10 of his little book, The Use of the National Forests:

"Under whatever law it is taken up, the land and all its resources pass out of the hands of the people forever."

If that means anything, it means that the people are somehow made poorer when any part of the national domain is settled and developed under private ownership. It would be interesting to carry back this idea and see how sadly the people of the original 13 States have been impoverished by the settlement of the Mississippi Valley. For lack of space, however, we shall have to confine our investigations to the present.

The Forester, then, is absolute master of an area about 20 per cent greater than that of France. He has many times assured us that his mastery does not interfere with settlement. Let us see. Half the national forests are not forest land. Much of this nonforest area is desert, but much of it is very valuable for farming. Ours is a land-hungry age. Eevery land drawing attracts from ten to twenty times as many applicants for farms as there are farms to divide. Land once reckoned hopelessly arid is being settled and farmed. In a single "dry" county of Colorado, for example, in September, 1909, there were 101 new homestead filings. Yet in the entire year of 1908, on an area of possible settlement larger than Italy, only 1,181 homestead claims on the national forests were reported for favorable action. Almost as many, 1,057, were reported on adversely; and 80 claims got no report at all. In the same year 1,675 ranger's headquarters were selected and withdrawn from entry. It is a common belief near the forest reserves that a ranger's headquarters bears a close resemblance to a desirable homestead. In the previous year, 1907, only 750 reports on homestead claims were transmitted to the Land Office by the Forester. How many of these reports were favorable he neglects to state; but he does tell us that, in that year 1,552 ranger's headquarters were picked out and set apart from the profane touch of the settler. If we allow the same proportion of favorable reports on homestead claims in 1907 that prevailed in 1908, we find that in two years the Forester gave his approval to 1,563 settler's homes and established 3,227 ranger's headquarters. In the light of this record of more than twice as many rangersteads as homesteads, the claim that a national forest does not interfere with settlement seems negligible.

To seen how such a policy affects the community near which a national forest is located, one needs but compare the economic returns from the national forests with the economic returns from similar land handled by private individuals. The chief income of the Forest Service—always excepting congressional appropriations—is derived from grazing fees. The Forester estimates this income for the year 1908 to amount to $0.00573 per acre. Knocking off the last two decimal places for convenience and doubling the remainder, we may say that the non-forested lands within the forest reserves yield a gross income of 1 cent per acre per year. In the spring of 1909 the State Agricultural College of Colorado planted 10 acres of potatoes on land almost surrounded by national forests. The potato patch was 7,800 feet above sea level, and differed in no particulars from thousands of acres of national-forest land near by. The potatoes yielded 100 sacks per acre, and the price on the ground was $1.50 per sack. Individual farmers in the neighborhood got even better returns. Land planted to cabbages gave a gross return at the rate of $450 per acre. Land planted to cauliflower gave returns which I am afraid to quote. Timothy hay was giving gross returns in that district of $20 per acre, and in another part of the State that return is deemed small. In still another valley small fruits are bringing their cultivators from $300 to $1,000 per acre per year, while just across the imaginary line that parts "use" from "conservation" exactly similar land is yielding a penny per acre per year. The difference between double eagles and postage stamps is an understatement of the difference to a community between land settled and farmed by individuals and land "conserved" in the sacrosanct national forests. State Senator E. M. Ammons, a trustee of the Agricultural College, can verify this statement and supply similar ones.

Perhaps an instance will help to show how the national forests encourage settlement. Mr. Ira P. Hutchings, of Independence, Cal., applied for a homestead in one of the forest reserves of that State under the so-called agricultural settlement act of 1906. He received the following answer:

INYO NATIONAL FOREST,
Bishop, Cal., January 26, 1909.

Mr. IRA P. HUTCHINGS,
Independence, Cal.

DEAR SIR: Your application No. 10 for forest homestead * * * is on file in the office of the district forester. * * *

In order that the forester may determine what land to recommend for listing, it is desirable that a demonstration be made of its agricultural possibilities, and to this end I would suggest that you take out a special-use permit for 40 acres of the tract applied for and experiment upon it. * * * It is believed that two years should be sufficient to demonstrate whether the land will produce farm crops of enough value to justify its listing for agricultural entry.

If results are such that your application is rejected, but if you still desire to continue occupancy of the 40 acres under special-use permit, you may be allowed to do so upon payment of the usual annual charges. * * *

A. N. HEGNE, *Forest Supervisor.*

As a piece of unconscious humor, I have seen few things to equal that letter since the British war correspondents left South Africa. If Mr. Hutchings could prove that he could make a living on 40 acres, the 160 acres applied for might be considered worth listing for agricultural entry. If, on the other hand, the land was too poor for him to own, he would be permitted to occupy it as tenant. It is well known, of course, that applicants for homesteads enjoy staking two year's time and labor against the caprice of an irresponsible official; that they are able and anxious to make "experiments" at their own expense for the benefit of a federal bureau; and as for renting land that isn't good enough to own, the homesteader has a perfect passion for it.

With mining as with agriculture, "the acceptance of the Forester's finding of facts" is the rule, and works out in pretty much the same fashion. The rangers, hired for a little more than cowboy's wages, and

generally knowing nothing of mining, are required to examine and pass upon all mineral claims within the sacred boundaries of the national forests. The instructions printed in the Use Book for the guidance of the rangers in making these examinations are a standing joke in every mining camp in the West which has been unfortunate enough to hear of them. The Forester's definition of a "valid mineral claim" would have ruled out the Independence on that Fourth of July morning when its owner went to work because he did not have enough money to celebrate. If the ranger reports adversely, the claim is lost; save in those rare cases where the claimant is morally and financially able to fight for his legal rights.

Such a fight occurred in what is known in Colorado as the Roller case. A number of men, of whom Mr. W. W. Roller, of Salida, is one, held 11 claims which were located and partly developed before the ground was included in a forest reserve. The receiver of the land office issued his receipt for the purchase money of these claims February 24, 1906. On March 23, 1908, Mr. Roller and his companions were notified that a forest officer had filed charges against the validity of their claim, alleging that a sufficient amount of money had not been spent in development work, and that part of the claims were not mineral in character.

One would think that the presence or absence of minerals might be left to the men who were spending $50 per acre for the right to guess on that subject. The Forest Service and the General Land Office refused to furnish Mr. Roller with specific statements of the charges against his claims; and he was obliged to proceed in the dark. Luckily he had means to make a fight. He proved that the lands claimed were mineral; and that, mineral or not, he had a right to them under the laws of his country. He proved that he and his companions had spent over $18,000 on the claims, instead of the $5,500 required by law. In the end, he got his title. But in Summit County, Colo., a couple of poor prospectors were not so fortunate.

Nor is the forest policy more favorable to the harnessing of water power than to other forms of industrial development. Indeed, it is less so. The theoretical friendliness which covers—in speech—the practical hostility of the Forest Service toward mining and farming becomes too thin for a veil when a power plant arrives on the scene. To be sure, a water-power plant is about the best example of real conservation that can be imagined; a water fall harnessed is a coal mine saved. But the self-constituted guardians of the future are here dealing with the prospective units of the to-be-engendered "power trust;" and no mere matter of common sense is allowed to turn them from their stern duty. The power plant which comes in contact with the national forests learns that the way of the transgressor is hard even before he begins to transgress. It is offered a lease to the ground needed, instead of a title. It is asked to pay an annual rental for the land covered by its storage reservoirs about equal to the price which the Federal Government asks for a clear title to similar land outside the forest reserves. It is dunned for the rent of its right of way. It is presented with a bill for the conservation of water, the amount of the bill being determined by the amount of power generated and the length of time that the plant has been in operation. In one contract which I examined—but which the company did not sign—the conservation charge would have amounted to nearly $50,000 per year before the expiration of the lease.

There is not the slightest basis in fact for the claim that the national forests conserve the water in any way that makes it easier for a power company to use. The only way to store water is to impound it in reservoirs. There is not the slightest basis in law for the levying of such a charge by the Forest Service, even if the claim of storage were well founded. The water of a nonnavigable stream belongs to the State in which it is located and must be taken and used under state laws alone. The act of 1897, which established the forest reserves, expressly recognize this state control. But, passing all questions of law or of fact, consider the injustice of thus levying a tax on the industrial development of the newer States, a tax from which the States with no forest reserves are free. To arbitrarily make electric power cost more in Colorado than in Pennsylvania is as unjust as to manipulate the price of bread in the same fashion. If the constitutional power existed its exercise would be tyranny—and the constitutional power does not exist.

Even yet we have not taken the full measure of the Forester's zeal for conservation. The Nevada-California Power Company supplies current to Goldfield, Nev. The Central Colorado Power Company generates power on the Grand River and carries it over half the State. In both these cases the filings on the water were made and the work of development well begun before the lands on which the power sites are located were included in the national forests. Yet in both cases the Forest Service tried to exact the "conservation charge;" in both cases the Forest Service bullied, threatened, cajoled; in both cases the Forest Service backed down when it encountered firm opposition, and offered to settle for a sum much smaller than the one first demanded if the company would but come under the tents of conservation and admit the legality of the proposed tax. I am happy to add that in both cases—at least, up to the date of writing—the companies have stood on their legal rights and have politely invited the Forest Service to a region where the fuel supply, at least, has never been thought to need the labors of a conserver.

Here, then, we have a system which throughout its sphere of action hampers all forms of industrial development. We have an area larger than many a European kingdom put to its lowest instead of its highest economic use. We have a policy which is an absolute reversal of more than one hundred years of national habit and tradition; a policy which holds barrenness a blessing and settlement a sin; which fines, instead of encouraging, the man who would develop a natural resource; which looks forward to a population of tenants instead of to a population of proprietors; which seeks to replace the individual initiative that has made our land great by a bureaucratic control that has made many another land small. Surely the danger must be imminent and terrible which is held to justify such a course.

The danger is said to be imminent indeed. The conservation press bureau is strong on asserting. The picture of the lost and forlorn condition of the land ground under the iron heel of the coming power trust is calculated to move the faithful to tears; and the picture of the desolation which will follow the wasting of our natural resources is yet more harrowing. But somehow the details of these panoramas of terror are not quite convincing. It might be well to look up the models who sat for the various figures of "Famine" which have troubled our rest.

Take the coal famine first. The United States Geological Survey gives the known deposits of coal in this country as holding 3,157,000,000,000 tons of coal. About half of this is easily accessible under present mining conditions. One-third can be profitably mined only when the demand grows greater or mining grows cheaper. One-sixth is composed of the lignite and subbituminous coals, easy of access, but recently coming into use. The coal consumption of the entire world is about 1,000,000,000 tons per year; that of the United States was 480,000,000 tons in 1907.

In a paper read before the Mining Congress in Joplin, Mo., in 1907, Mr. Edward Parker, of the Geological Survey, analyzed the coal consumption and supply rather carefully. He pointed out that at the present rate of consumption the anthracite coals of Pennsylvania will be exhausted in about seventy or eighty years. The passing of anthracite means the passing of a certain luxury, to be sure, but the wheels of industry are turned by bituminous coal, and Mr. Parker's analysis of the bituminous situation is rather encouraging. To quote:

"If we can assume that the production will continue to increase with the decreasing percentage ratio, the production for the decade ending in 1915 would be 60 per cent over that of the decade ending in 1905. * * * In the next ten years there would be an increase of 54 per cent. * * * If we prolong the curve in this way for another hundred and fifty years, we find that the production would become fairly constant between A. D. 2046 and A. D. 2055, with a production of approximately 2,300,000,000 tons a year. * * *

"If we estimate that by A. D. 2055 the production would amount to 2,300,000,000 tons annually, and the percentage of recovery remains the same (as now); the supply, in the light of present knowledge, would be exhausted in approximately seven hundred years." (Proceedings of the American Mining Congress, 1907.)

A famine which at the very worst is seven centuries away, may be viewed with a certain equanimity. Mr. Parker further points out that the percentage of waste is already decreasing, and states his belief that we shall soon recover from 90 to 95 per cent of the coal from each measure instead of 65 per cent as now, an item which would add nearly a third to the estimated duration of the supply. He takes no account of lignite and subbituminous coals, which exist in quantities sufficient to postpone the evil day for a couple of centuries more. In a word, as soon as one drops scare heads and gets down to facts he finds that the coal famine is further ahead than the battle of Hastings is behind. If William the Conqueror had tried to make plans for the life of the twentieth century and had made those plans fast, would we thank him or curse him for his pains?

I can find no such analysis of the "iron famine" as Mr. Parker gives of the coal famine, but on the face of things the evidence does not greatly stimulate one's interest in the price of flint razors. Once more quoting from the Geological Survey, we have in this country two great classes of ores, of which only the richest is in present use. Of these richer ores the known supply is something less than 5,000,000,000 tons; of the leaner ones, with which the iron business in this country began and which are used to-day in every country but this, the supply is estimated at about 75,000,000,000 tons. We mined 52,000,000 tons in our banner year of 1907. Assuming that the ultimate iron production bears the same ratio to present production which Mr. Parker estimated for coal, our iron deposits will last but a paltry four centuries. I may add that there is no probability that iron production will increase in the assumed measure. Coal once used is gone, but iron once used goes back to be used over again. When the industrial world is once stocked with iron, and the world's population has become fairly stationary, we shall mine only enough ore to take the place of the comparatively small quantity that does not come back to the mills for renovation.

Next comes the most imminent and pathetic of all famines, the timber famine. This is usually scheduled to arrive in twenty years, though of late there has been a tendency to admit that the famine train may not be quite on time. When one tries to collect and analyze the figures on which the prophecy is based he comes on a maze of contradictions. I quote here the table given in "Forest Products of the United States, 1907," a publication of the Department of Commerce and Labor, compiled with the aid of the Forest Service, and issued in 1909. These figures are by far the highest I can find. The table is in graphic form, and I may have made some errors in translating it into words. If so, the errors are very small, for the total thus reached checks exactly with the total given elsewhere in that publication:

Annual wood consumption of the United States.

	Billions of cubic feet.
Firewood	9.5
Lumber and shingles	9.0
Poles, posts, and rails	1.9
Hewed cross-ties	1.4
Other uses	1.2
Total	23.0

Observe that the estimated "drain on the forests" from firewood is greater than that from all sawn lumber and shingles combined. To say that such an estimate is absurd is treating it far too mildly. It is nothing short of a direct insult to common sense and common information. Practically all the firewood consumed is either mill waste or comes from trees which could not produce sawn lumber and are, therefore, not counted in estimates of the standing timber. The figures on posts and rails are purest guesswork. Half the terrors of our "timber famine" disappear the moment we realize that firewood is a by-product of lumber-mill and farmer's wood lot, instead of a direct "drain on the forests."

Even so, there is no doubt but we have cut our trees faster than they have grown, and that our methods of lumbering have been designed to save labor cost rather than to save timber. But I wish to call attention to two items usually neglected when a "timber famine" is under discussion.

First. A large part of our original timbered area was deliberately stripped of its trees, not only to get lumber to saw, but to get land to till. This was the rule in most of the Atlantic States; and in the timbered areas of West Virginia, Kentucky, Ohio, Indiana, Illinois, and southern Michigan and Wisconsin. In nearly all this region the timber was a secondary consideration, and in much of it the logs were dragged together and burned to get them out of the way. The loss of these forests has, therefore, no bearing at all on the timber supply and demand of to-day. If it be true, as is often stated, that the remaining forests are mostly on land good for little but to grow trees one great factor in forest destruction is abolished forthwith.

Second. Our lumber consumption is decreasing. The National Lumber Manufacturers' Association estimates the production of 1908 to be 17.3 per cent less than that of 1907, and adds that 1909 will probably show a similar or greater decrease. (American Lumberman, July 24,

1909.) I believe the decrease began earlier. The figures for the cut of 1907 show an apparent increase of 8 per cent over the production of 1906. But the number of mills reporting was 29 per cent greater in 1907 than in 1906. The probability is therefore strong that the high tide in lumber cutting was passed at least three years ago and that we can look for a steady if slow decline for many years to come.

What this implies can be easily seen. The estimated annual forest growth in this country is 12 cubic feet per acre—one-fourth of that in the German imperial forests. The area on which this growth is taking place is given at 550,000,000 acres. One cubic foot is commonly taken to equal 6 feet b. m. This makes our annual forest growth come to 39,600,000,000 feet b. m. The known drains of 1908 total up to a little less than 46,000,000,000 feet b. m. An unclassified drain exists, of course; but it can not be very large. It will plainly take but a small shift in our national habits, a shift already begun, to make our annual forest growth meet our annual demand. And commercial forestry has just begun. Many railroads are planting trees for tie timber. Owners of timber land are adopting more careful methods of lumbering. Everything points to an early and spontaneous adjustment of our timber problem—everything but one. (The figures of annual growth and acreage are taken from Forest Service Circular No. 166—"Timber Supply of the United States," by R. S. Kellogg. The figures for known uses are taken mainly from the American Lumberman.)

And that one constitutes an illuminating incident of the conservation scare. At the very moment when the heavens are rent with wild cries for the "conservation of our natural resources" the depletion of those same resources is being artificially hastened by the tariff—and no conservationist raises his voice against the monstrous absurdity. Only one-fifth of the standing timber in the land is included in the national forests, and in the various parks and Indian reservations. To preserve this one-fifth the Constitution is used as a door mat; a bureaucratic despotism is called into being; the development of whole States is checked; the productiveness of vast areas is held down to the lowest notch; and the Federal Treasury drained of millions of dollars per year. And all the time we are offering a direct bounty of $1.25 per thousand feet—it used to be $2—for the destruction of the other fourth-fifths of our timber supply. And the press bureau, which boasts of reaching 9,600,000 readers, has carried to none of those readers a protest against this national folly—this folly that would be a crime if there were any appreciable percentage of truth in the tales told to justify conservation. How shall we characterize that partisanship which can shriek disaster from the housetops yet remain dumb in the face of the direct encouragement of that disaster?

Finally, let us inspect the bogy of the power trust. Without assuming to set metes and bounds for the activities of future captains of finance there are many reasons why the talk of a power trust is sheer nonsense. No trust has ever gained dangerous proportions unless it has been granted some unfair advantage through government bounty or seized some unfair privilege through government neglect. The classical example of the advantage granted is the tariff; the classical example of the advantage seized is the railroad rebate. I can see no disposition anywhere to grant such favors to a prospective power monopoly, nor to sit by idly while such favors are seized. For at least seven centuries the water-power companies must be prepared to compete with coal; and it is not without bearing on this question that the sun motor and the wave motor are both accomplished facts merely awaiting commercialization. The physical obstacles to a power trust are insuperable so long as the States insist on actual use being necessary to the ownership of water. Of the financial troubles of such a trust I will only say that government "experts" estimate that it will take $23,000,000,000 to finance the water-power development of the United States. The likelihood of such an aggregation of capital under one control I leave others to consider.

Just one of all the scares adduced to justify the freaks of conservation has any basis in fact, and that basis rests on a legislative folly against which no disciple of conservation protests. The rest of the terrors are the unreal fabric of a bureaucratic dream. And if they were real the worst possible method of meeting them would be that scheme which is touted by the conservation press bureau as a piece of statesmanship so profound that its authors are appalled afresh each day at their own supernal wisdom. If the power trust were a real menace, how could its coming be hastened more surely than by cutting off from use the supply of power sites? If a coal famine were impending, what could be worse folly than to put in charge of the coal mines an agency which can not even run a monopolistic post-office without a deficit? If the timber famine were as near and as fearsome as we have been told, who shall measure the criminal folly of taxing the people to conserve one-fifth of their timber supply and taxing them again to provide bounties to hasten the destruction of the other four-fifths?

The terrors from which conservation is to save us are phantoms. The evils which conservation brings us are very real. Mining discouraged, homesteading brought to a practical standstill, power development fined as criminal, and, worst of all, a federal bureaucracy arrogantly meddling with every public question in a dozen great States—these are some of the things which result from the efforts of a few well-meaning zealots to install themselves as official prophets and saviors of the future, and from that exalted station to regulate the course of evolution.

It is no more a part of the Federal Government's business to enter upon the commercial production of lumber than to enter upon the commercial production of wheat, or breakfast bacon, or handsaws. The Judiciary Committee of the Sixtieth Congress, reporting on the proposed Appalachian reserve, declared that the sole ground on which Congress could embark in the forest business was the protection of navigable streams. (Rept. No. 1514, 60th Cong., 1st sess.) Will anyone pretend that a forest reserve on the crest of the Rocky Mountains, with the nearest navigable water a thousand miles away, can be brought under this clause? Even on the Pacific slope I have not heard that the lumber mills of Washington have seriously impaired the navigability of Puget Sound; nor that the Golden Gate would shoal up if the cutting of timber in the Sierras were unchecked. And will the champions of conservation claim that the Federal Government has greater rights and powers in the newer States than in the older ones?

But the public lands belong to the whole people. Undoubtedly; but in what sense do they so belong? As a landed estate, from which to draw rentals, or as an opportunity to be used? Which interpretation of this ownership has prevailed in the past? Which doctrine caused the settlement of a region as large as half Europe within the lifetime of a single generation? And passing this larger aspect of the question, if the people do own the public lands, and especially the national forests, in the sense of being possessors of a rentable estate, are they quite sure that it will pay to treat that estate in that fashion? The total receipts from the national forests in 1908 were $1,842,281.87. The expenditures for the same year were $2,526,098.02, leaving a deficit of $683,816.15. If the people really want that deficit and would feel robbed without it there might be less bothersome ways of supplying their need than the maintenance of a federal bureau. It might be cheaper to sell the estate on reasonable terms and trust to the patriotic endeavors of Congress to provide the indispensable deficit.

Our natural resources have been used, not wasted. Waste in one sense there has been, to be sure, in that a given resource has not always been put to its best use as we now see that use. But from Eden down, knowledge has been the costliest thing that man could covet; and the knowledge of how to make the earth best serve him seems well-nigh the most expensive of all. But I think we have made a fair start at the lesson; and, considering how well we have already done for ourselves, the intrusion of a government schoolmaster at this stage seems scarcely needed. The pine woods of Michigan have vanished to make the homes of Kansas; the coal and iron which we have failed—thank heaven!—to conserve have carried meat and wheat to the hungry hives of men and gladdened life with an abundance which no previous age could know. We have turned forests into villages, mines into ships and sky scrapers, scenery into work. Our success in doing the things already accomplished has been exactly proportioned to our freedom from governmental guidance, and I know no reason to believe that a different formula will hold good in the tasks that lie before. If we can stop the governmental encouragement of destruction, conservation will take care of itself.

To me the future has many problems, but no terrors. I belong to the generation which has seen the birth of the electric transformer, the internal-combustion engine, the navigation of the air, and the commercial use of aluminum, and I quite decline to worry about what may happen "when the world busts through." There is just one heritage which I am anxious to transmit to my children and to their children's children—the heritage of personal liberty, of free individual action, of "leave to live by no man's leave underneath the law." And I know of no way to secure that heritage save to sharply challenge and relentlessly fight every bureaucratic invasion of local and individual rights, no matter how friendly the mottoes on the invading banners.

Mr. NEWLANDS obtained the floor.

Mr. HEYBURN. I ask the Senator from Nevada to yield to me. I do not desire to make any remarks, but I desire in this connection, following the remarks of my colleague, to put in the RECORD the report of a committee of Congress on the water right and holdings of the Government of the United States at Harpers Ferry to show that the property upon which the Government placed a valuation of $296,000—that is, the water right at Harpers Ferry—after ten years of manipulation and effort to sell they sold for $20,000.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none.

The matter referred to is as follows:

Mr. Dibble, from the Committee on Public Buildings and Grounds, submitted the following report to accompany bill H. R. 1628:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harpers Ferry, in the State of West Virginia, having had the same under consideration, report it to the House with the recommendation that it pass. The buildings formerly used as workshops, armory, and arsenal at Harpers Ferry having been destroyed during the war, the Government abandoned the property for public uses, and Congress having obtained the opinion of the Attorney-General that the United States had a fee-simple title to the same, passed an act December 15, 1868, directing the Secretary of War to make sale at public auction of the lands, tenements, and water privileges belonging to the United States at or near Harpers Ferry. In pursuance of this authority the Secretary of War sold said property on November 30 and December 1 and 2, 1869, consisting, first, of the water power and grounds on which the arsenal, armories, and factories formerly stood; second, an ore bank; third, a ferry privilege; fourth, a large number of lots.

The total amount bid for said property was $297,803.50, of which the water power and the property connected therewith brought $206,000. The sale was upon credit, and it eventually appeared that the chief item, the water power, was bid in by a company of irresponsible speculators, who took no steps toward using or improving the property, and defaulted in the payment of their bonds. After several years' delay, during which a disastrous flood reduced its value and that value otherwise steadily depreciated, the Government was unable to collect anything on the bonds and was compelled to enforce its vendor's lien, and bought back said property at a mere fraction of the original price. Moreover, the 240 lots sold to private individuals for the aggregate of $73,303.50 had been bought on the faith of the improvement of the water power and consequent restoration of some measure of prosperity to the town. This having failed, the purchasers, who were generally the poor people of the vicinage, were, except in a few cases, unable to comply with the terms of purchase, and Congress finally came to their relief by act passed June 14, 1878, authorizing the Solicitor of the Treasury to cancel their contracts and release the purchasers.

Thus, after ten years the Government became again seized of almost all the property it had sold, greatly diminished in value. The same act authorized the solicitor to resell the whole or any part of said property or to lease the same for a term of years. Any effort to sell under this authority is greatly hampered by the fact that the value of the property has become so shrunken and speculative that as long as the sale remains in the discretion of any officer, it imposes an embarrassing responsibility upon him to judge whether the price is really an advantageous one. The object of the present bill is to effect an early sale of the property and relieve from any such embarrassment, by making the order for sale peremptory in case a minimum limit is reached, and at the same time providing that it shall only be made at public auction, after full and fair advertising, and at open competition. This is at once for the interest of the United States and of the locality itself, where recuperation and prosperity are totally repressed by the continued disuse and desolation of this property.

The Government is incurring expense by holding on to property which it declines to use for any purpose, while its value is steadily diminishing upon its hands. It is also a matter of sheer justice to the State of West Virginia and to the particular locality that this large area of property in the very heart of the village of Harpers Ferry, abandoned and in ruins, exempt from taxation, and by its very abandonment re-

pressing all prosperity and almost destroying the value of contiguous private property, should be as soon as possible transferred to ownership which will improve it, develop its capabilities, and subject it to its equitable share of local burdens.

Moreover, your committee deem it equally impolitic and unjust for the Government, after ceasing to use property for the public purposes for which it was acquired, to become a lessor thereof to private individuals for the erection of works which would be tax free. The legislature of West Virginia has passed a joint resolution asking for the sale of this property.

Your committee therefore, looking to the interest of the Government and to the rights of the State wherein the property is located, recommend the passage of this bill with the following amendments:

In section 1, line 7, of printed bill, after the word "reservation," insert the words "except as hereinafter provided."

Add to section 1 the following proviso: *"Provided,* That the property shall not be sold for a less sum than $20,000."

Add to section 2 the words: "But so that at least one-third of the purchase money shall be paid in cash and the credit portion shall bear interest at the rate of 6 per cent per annum."

Insert in the bill, as section 3, the following:

"SEC. 3. That upon the compliance of any purchaser or purchasers of the whole, or of any parcel purchased as aforesaid, with the terms of sale, such purchaser or purchasers shall be let into possession of the premises so purchased, and upon full payment of the purchase money and interest (if any be due), the Solicitor of the Treasury, for and in behalf of the United States, shall make, seal, and deliver to the purchaser or purchasers good and sufficient deed or deeds, conveying all the right, title, interest, and estate of the United States in the said property or parcel thereof, as the case may be, in fee simple."

Insert section 3 of the original bill as section 4. (CONGRESSIONAL RECORD, 48th Cong., 1st sess., proceedings of House of Representatives, June 4, 1884.)

Mr. NEWLANDS. Mr. President, I wish to say a few words regarding the subject which the Senator from Idaho [Mr. BORAH] has so eloquently discussed. I agree with him that the natural resources of the West are to be developed in the interest of the communities in which they lie. I as as opposed as he is to any policy which will lock them up, make the source of revenue or profit to the Nation at large, for the use of future generations to the neglect of our own.

But the Senator will pardon me if I say that I think he is fighting a windmill upon that subject. I have never heard anyone, even the most ardent of advocates of the doctrine of conservation, insist that these natural resources shall be locked up for future generations. Their insistence, as I understand it, is that waste should be prevented in the interest of future generations, but that the development for the use of our own generation should not be delayed. I have never heard any expressions such as that against which the Senator has been inveighing with so much vigor.

Mr. BORAH rose.

Mr. NEWLANDS. Does the Senator wish to interrupt me?

Mr. BORAH. Mr. President, I do not exactly understand how one so familiar with the literature upon the subject as the Senator from Nevada could make that statement. I will take pleasure in transmitting to the Senator from Nevada some of the statements which I have collected upon that subject, and I am quite sure he will find that the burden of the song which has been sung is that of holding these resources for future generations.

Mr. President, suppose we eliminate the question of expression and judge them by their acts. I undertake to say, as I said once before upon this floor, that there are to-day out of the 200,000,000 acres of forest reserves 45,000,000 acres of agricultural lands which there are a million citizens in the United States anxious to occupy and use.

If the Senator had spent as much time as I have in trying to get those agricultural lands out of the forest reserves he would not have paid so much attention to what they would say; he would rather judge by what they are doing.

Mr. NEWLANDS. Mr. President, the conservation policy has found utterance in the platforms of the two parties and I find no indication in the platform of either party of a disposition to lock up these resources for future generations. The demand of the conservationists has also been heard in irrigation conventions, in waterway conventions, in river and harbor conventions, in forest conventions, in the great conference of the governors at Washington, held under the auspices of President Roosevelt, and I have never heard of such an expression. On the contrary, the demand throughout has been for the intelligent development of these natural resources in the interest of the present generation, but with such restraint upon waste as will properly guard the interest of the future.

So much, then, regarding the expression. Now, let us get down to the facts.

This contest regarding the public domain is a part of the contest that is going on throughout the entire country, a contest between the great interests on the one hand and the people on the other.

Mr. BORAH. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. BORAH. I take issue with the Senator absolutely upon that proposition. If there has been any one power above all others favorable to creating the forest reserves in Idaho, it is what is alleged to be the greatest timber syndicate in the world. Those who have owned the most timber have favored the reserves. They have at all times advocated the creation of these reserves and were at all times in sympathy with them, and why should they not be? Outside of the timber which is in the reserves, it is practically owned by this corporation. I say to the Senator from Nevada that no man is poor enough or rich enough in the State of Idaho to buy a piece of lumber from the forest reserves at a price which those companies do not fix. The price which we pay for the fallen timber in the reserves in Idaho is the price which we would pay to the greatest timber companies in the world. There is no greater monopoly than the millions of acres held by these companies and the millions of acres in the forest reserves, when the companies fix the price of both.

Mr. NEWLANDS. I will ask the Senator from Idaho, to whom did these millions of acres that belong to-day to Mr. Weyerhauser belong a generation ago, or two generations ago? Did they not belong to the people of the United States?

Mr. BORAH. Exactly.

Mr. NEWLANDS. And were they not a part of the public domain?

Mr. BORAH. Precisely.

Mr. NEWLANDS. I am afraid the Senator misapprehended what I said. I said this was a part of the great contest between the interests upon the one hand and the people upon the other. I was going to follow that by showing that such contests always inevitably lead to inconvenience, to tying up the thing that is fought over until a correct policy can be pursued regarding it. I am not regardless of the complaints of many who have suffered from the results of this contest over the conservation policy, complaints which the Senator from Idaho voices.

Mr. BORAH. Mr. President, let me ask——

Mr. NEWLANDS. But I say they are inseparable from the condition of a contest going on between the great interests of the country and the people, and until this question is rightly determined and wise laws are passed under the inspiration and with the aid of western men themselves we can expect that the property over which we are fighting will be locked up.

Mr. CLARK of Wyoming. Will the Senator yield to me for a moment?

Mr. NEWLANDS. I wished to proceed with my remarks consecutively and briefly.

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

Mr. NEWLANDS. I will yield to the Senator.

Mr. CLARK of Wyoming. Just on the line of the last suggestion of the Senator, I wish to ask him if he knows of any of the so-called large timber interests that are opposing the forest-reserve policy?

Mr. NEWLANDS. I do not.

Mr. CLARK of Wyoming. Then why does the Senator——

Mr. NEWLANDS. I can understand how a man who has got in his possession millions of acres of the public domain might favor a policy which would lock up the rest of the public domain so as to prevent his rivals from getting possession of it. I can understand that——

Mr. CLARK of Wyoming. I misunderstood——

Mr. NEWLANDS. But that will not prevent the people themselves who wish this public domain to be administered in their interest pursuing their course logically until wise laws are put upon the statute book that will protect the home seeker above all others and rule out the monopolist.

Mr. BORAH. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. BORAH. I have not said at any time in my remarks that I was opposed to the Forest Service.

Mr. NEWLANDS. No.

Mr. BORAH. But I am opposed to the manner in which the forests are administered. I say we get no more benefit from them, nor will, than if they all belonged to corporations.

Mr. NEWLANDS. I am in hopes that those errors of administration, wherever they exist, will be corrected. I think if we western men get together and shape the laws as they should be shaped, they will be corrected; but as long as we remain in our present attitude of simply attacking the well-meant efforts of honest men to preserve the public domain for home seekers, for the full utilization of the present generation and future genera-

tions, without suggesting to them the laws which should be put upon the statute books under which we can protect the public domain against monopolization, just so long these natural resources will be locked up, because they constitute a part of the contention over which the two opposing forces are constantly fighting.

I have been contending for five years and more that the western Senators and representatives ought to get together, as they did upon the irrigation act. When the country was divided as to what policy should be pursued, when we ourselves were divided as to what policy should be pursued, whether the arid land should be turned over to the States; whether we should have reclamation under state engineers or under national engineers; whether we should have national service or state service, and numerous refinements of the question, we got together and framed a reclamation act which finally settled the contention.

Mr. President, let us see why it is that honest men, such as Gifford Pinchot, dedicated themselves to this great work of preserving the public domain as the possession of all the people, to be protected against private monopoly. Why was it? The Senator states that Mr. Weyerhaeuser, one of the great friends of the conservation policy, is to-day in possession of millions of acres of forest land which a generation ago were the possession of the whole people.

Will the Senator insist that it was the aim and purpose of our legislation that a million acres or more of the public domain should come under the ownership and control of a single individual? Surely no such design appears on the face of our legislation, for almost every land law which we have upon the statute books indicates the intention of Congress to preserve the public domain against concentrated ownership, the purpose of Congress to preserve it for the home seeker and the real discoverer. How, then, did this vast domain come into the possession of one man? How did large areas come into the possession of men like him? How is it that one cattle firm in California to-day owns a million acres which a generation or more ago was the property of the whole people? How is it that enormous areas of coal lands have drifted under the control of great corporations? How is it that the Union Pacific came into the possession of large areas of coal land which it has been compelled recently to surrender to the Government? Certainly it was not the purpose of Congress to make such grants. If such large areas have fallen under one control, it has been because either the laws themselves have been evaded or the laws were so imperfectly framed as not to comply with the intention of Congress itself.

Now, we had very little difficulty about this question as long as we were settling up the humid region. There we had the homestead act, which limited the entry to 160 acres, and entries were made in the humid region under that act, which built up individual homes and tended in no way to the creation of a monopoly. When we came to the settlement of the great arid and semiarid region we found there areas which can not be cultivated without the artificial application of water. There nature had stored great treasures of the precious metals; there were mines of gold, silver, lead, iron, and coal. There were great forests and vast areas of land which could be developed under irrigation projects, which required in the first instance the concentration of large areas under one control in order to make an enterprise financially possible, which wise legislation required should be afterwards divided, so that we had to apply a system of centralization of control followed by decentralization. Then we had these great grazing areas, great commons, open to all the people. Everything went well so long as population was limited. The prospector, the explorer, the settler, the cattleman, and the sheepman could go anywhere and secure land. There was no difficulty.

But gradually the more powerful interests, as they always do, sought to control ownership and to bar out the settler, and the easiest way of accomplishing it was by getting it by some method, direct or indirect, from the Government through the existing laws.

So we suddenly woke up and found that vast areas under these laws, which were intended to protect against monopoly, had drifted into individual ownership; that men were controlling vast areas of grazing land without ownership to an acre of land except the land upon the immediate streams; and that they were exercising the right of ownership by constructing wire fences everywhere over the public domain and restricting free movements of the settler.

We found timber lands and large irrigable areas drifting under the ownership of great syndicates. Such was the condition of things, and there was but one thing to do, and that was for the President of the United States, as the custodian of the public domain, to so administer this great trust as to make further fraud impossible and further concentration of ownership impossible, and if he found existing laws inadequate for the purpose, to make recommendations to Congress to that effect; and so for ten years every Commissioner of the General Land Office, every Secretary of the Interior, every President of the United States has been repeatedly recommending to Congress changes and reforms in the land laws, and, for the most part, without avail, because of differences in opinion amongst the western representatives themselves.

There was no such difficulty with the Representatives of the New England and Middle States; no difficulty with the Representatives of the Southern States; no difficulty with the Representatives of the Middle West. They had trust and confidence in the Senators and Representatives from the arid and semiarid regions, some 13 States and 3 Territories, and they were willing to accept their guidance with reference to laws which were to determine the location of the remainder of the public domain; but we have not as yet been able to reconcile our differences, largely, I believe, because we have not set ourselves to the work with a determination not to let it go until we reach a solution.

If the Senators and Representatives from the Western States would do as they did regarding the reclamation act, outside of Congress select a voluntary committee, composed of one man from each of the States, representing 13 States and 3 Territories at that time, and charge them with the responsibility of framing satisfactory land laws, I have not the slightest doubt it would be accomplished within a month. Yet Commissioners of the General Land Office and Secretaries of the Interior and Presidents for ten years have been urging this matter upon Congress.

The commission appointed by President Roosevelt, consisting of Governor Richards, of Wyoming, a western man, Mr. Pinchot, and Mr. Newell, after thorough investigation upon this subject, joined in recommendations as to specific laws. But men from the West have not as yet been able to reconcile their differences. I insist upon it that this contention, which results in a partial deadlock, and only a partial deadlock, of the resources of the country, will not end until we cease denunciation of the administration for attempting to save the property of the Nation and address ourselves to the question of framing such laws as will provide, under just conditions, for the parting of this title to individual owners. Our trouble is, and has been for years, misfit land laws, unsuited to the economic requirements of our western region, and thus inviting evasion. And for the failure to correct these misfit land laws we, the Representatives of the region affected, are responsible, for eastern legislators will follow our lead. The outcry against the conservation policy is not that of the homeseeker, in whose ultimate interest this contention is being made, but it is the outcry of the great interests which, during the past twenty years of monopoly creation, have learned that the control of the natural resources is the control of the main sources of wealth. Of course there must necessarily in such a contest be some hardship and inconvenience to innocent persons, whose troubles the Senator from Idaho has voiced, but these will disappear if we, the representatives of the West, do our full duty.

Mr. MONEY. Mr. President——

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

Mr. NEWLANDS. I do.

Mr. MONEY. The Senator from Nevada is interesting, as he always is, and knows what he is talking about. I want to ask him if he would consent, or if the western people would agree or would unite upon a proposition for the Government to give up the lands to the States in which they lie? That would be decentralization to some extent, but it would be centralized for a sufficient purpose in preserving all the forests, watersheds, coal mines, and everything else, for each State knows best what is good for itself. I ask the Senator from Nevada if that proposition would be acceptable, and if he does not think it feasible?

Mr. NEWLANDS. I will say as to that, that I think probably the majority of the people of the Western States would favor such a cession. There would be a minority—a very intelligent minority—against it, upon the ground that as yet some of the communities are not strong enough to protect these valuable resources turned over to them from the aggressions of the special interests, and that for a time, at least, the trust should be discharged by the Nation; but I have no doubt that ultimately that will be the solution of the question and that these lands will for the most part be turned over to the States. I will add, however, that I do not believe that the Eastern States and the Southern States are prepared now to turn over this property to the Western States.

Mr. MONEY. I will ask the Senator if he thinks that such a grant could be made to the several States interested in the public lands with sufficient restrictions to secure them from monopoly by individuals or corporations?

Mr. NEWLANDS. I think that might be done.

Mr. MONEY. I want to say—and I do not speak for any Southern State, not even for my own—that individually I very strongly favor that proposition. I do not know how others think, for I have never consulted them on the subject.

Mr. NEWLANDS. The Senator from Mississippi knows that the States had some experience with the swamp-land grants. Those grants were turned over to the States and were administered very feebly by most of them, and I think that the feeling to-day among those who have studied the question is that it would have been better, perhaps, if the Nation had held on to the swamp lands and taken hold of their treatment as a part of the development of the great waterways of the country, so that in river improvement for navigation the Government would construct the dikes and the drainage that would be necessary to make these lands marketable for settlement, and that in that way a very much larger settlement would have been accomplished than has been accomplished by the cession of these lands to the States.

Mr. MONEY. I was about to say, if the Senator will kindly indulge me, that I come from a State which had a very large swamp-land assignment under the act of 1852, I believe, and perhaps the grant was feebly administered in that and other States; but the conditions have so totally changed in the last sixty years, the press of the public for homes is so very great now, and improvements are extending to what were then considered impossible wet and dry places, too, that I am quite satisfied the States would fully realize the importance of utilizing these lands for the benefit of the people. I have yet to come to the conclusion that 45 States can think or do better for one State than it can think or do for itself. So I do not believe that there would be any lack of vigor in administering the law with the proper restrictions which the Senator very wisely said should accompany the grant if it is ever made.

Mr. NEWLANDS. Mr. President, there is much to be said in favor of the Senator's contention, and I am very glad to see that in his own State and in the neighboring State of Louisiana a system of cooperation has been adopted between the Nation and the State, under which the Nation takes care of the levees to a large extent, the States contributing, and thus the reclamation of swamp lands has been made possible which would have been impossible if the entire burden had been put upon individual owners. It only illustrates, however, that the Nation is a factor in this great work as a part of internal development; that it is not to be ignored; it is not to be regarded as a harsh landlord that is making harsh bargains with individual States. The Nation is really desirous of administering its trust liberally and justly in the interest of the communities affected.

Mr. CARTER. Mr. President——

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

Mr. NEWLANDS. I do.

Mr. CARTER. Mr. President, I rise and, with the permission of the Senator from Nevada, desire to make a brief statement. The unfinished business was laid before the Senate at the hour of 2 o'clock. It will be recalled that adjournment was made to the hour of 11 o'clock to-day instead of 12, with a view of extending the time available for the disposition of the unfinished business, the postal savings-bank bill, to-day, if possible. In the meantime it was found that the Senator from Idaho [Mr. BORAH] had given notice of his intention to address the Senate. After his address had closed, the Senator from Nevada [Mr. NEWLANDS] very properly addressed the Senate, making some criticisms upon the statements made. I now desire to advise the Senator from Nevada, however, that some four Senators have been in the Chamber since the hour of 1 o'clock, hoping for an opportunity to address the Senate on the unfinished business and, inasmuch as they are prepared to go forward, I trust the Senator from Nevada, out of consideration for the Senators who are waiting and the desire to finish the unfinished business, may take some future time or abridge his remarks, as he courteously may, in order to accommodate the situation.

Mr. NEWLANDS. Mr. President, I shall very cheerfully yield to the Senator's suggestion. I wish, however, merely to round out what I have said by a few words more, when I shall yield the floor to the subject properly under discussion.

I wish to answer fully the Senator from Mississippi [Mr. MONEY]. I will state, so far as his suggestion is concerned regarding the cession of these lands to various States, that that question was raised when we were considering the question of arid-land reclamation. It was thought then that irrigation was a matter which could not be confined within State lines; that our rivers were not within State lines; that we had to take under consideration great watersheds, which might involve portions of three or four or more States, and that, therefore, a comprehensive treatment of the question involved the discharge of this trust by the National Government, the aim, however, being to centralize these lands in great areas for the purpose of the construction of irrigation works, distributing canals, and so forth, under one control, and then to divide them into smaller holdings, so that they could be turned over to individual owners; so that policy would finally result in decentralization, and in individual, not monopolistic ownership.

I imagine similar problems will have to be worked out with reference to other parts of the public domain, particularly that part of it that is covered by forests, and also that part of it which contains deposits of coal and oil.

We have in this arid region agricultural lands. Complaint is made that these agricultural lands are not now being settled; that the settlers are going to Canada. The answer to that is that the settlers are men who have been accustomed to farming in the humid regions, and they naturally go to Canada, where they can get farms that are wet by rain. They know nothing about irrigation; they know nothing about arid land; and they naturally seek a home such as they have been accustomed to. By this time almost all the humid lands in the United States are in private ownership, and there is only a very small area, perhaps, in northern Idaho and in northern Montana that has not drifted into private ownership. As for this agricultural land, we have either to enlarge the area of a unit farm from 160 to 320 acres, and perhaps 1,000 acres, in order to support a home, or else we must secure water and irrigate the lands, and then divide them into smaller holdings of from 20 to 100 acres.

We have a law under which that can be done, and, whilst I am sorry to say that the administration of that law has been partially halted during the last few months through difference of view as to powers and authority, yet I have no doubt that before long it will proceed as it has in the past to the satisfaction of the people.

Now, as to timber lands. We have got to determine upon a policy regarding them. Of course, we should eliminate from the timber lands the lands that are better adapted to agricultural purposes; but it takes time to make the elimination, and in order to make the elimination special agents must be employed—such men as those against whom the Senator from Idaho [Mr. BORAH] inveighs. Some of them may have been too exacting; some of them may have been too contentious; but certainly, if the Government is to segregate the agricultural lands from the timber lands, it must accomplish it through land agents appointed for that purpose. If there are faults in the administration, I have no doubt that if attention is brought to the faults they will be gradually remedied.

There are imperfections, of course, in our forest laws. There is one gross imperfection, and that is one which enables the forester now to sell stumpage for an area, however wide, to a single individual and for any number of years. It seems to me that so extraordinary a power should not be vested in the hands of one man, but that there ought to be some tribunal, such as the senior Senator from Idaho [Mr. HEYBURN] has suggested, a land court, or some organization of that kind, which would substitute for the individual and accidental and perhaps unfair action of one man the deliberate judgment of trained men who act after hearing and upon conference. But these things can be worked out through the advice and the action of western men.

I do not pretend that there are not serious difficulties in the administration, and that there is not ground for much complaint; but I think that our effort should be in the line of remedying the laws and making the way of the government agents easier than it is.

With reference to water power, the Senator from Idaho contends that the water flows on forever and that such a thing as water power——

Mr. HEYBURN. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. Has the Senator knowledge of any instance in which a farmer ever took a special agent's word as to whether or not a certain piece of land would make a good farm? Is not the farmer, the man who is going to make his living upon the land, a more reliable person than the special agent would be as to what is farming land?

Mr. NEWLANDS. I should think so.

Mr. HEYBURN. Did the Senator ever know of a farmer who ever abandoned his judgment in such a matter to the judgment of a special agent?

Mr. NEWLANDS. Mr. President, I am not proposing to place any severe restriction upon the judgment of the farmer; but I think that the Government must act upon the subject in some way. I think it should largely take the judgment of the farmer, but it should exercise, through its agents, its own judgment also.

Mr. HEYBURN. If the Senator will permit me another word, has the Senator in selecting land—and he doubtless has upon many occasions selected land upon which to farm—ever consulted a special agent of the Government as to whether the land was adapted to farming?

Mr. NEWLANDS. No; I never have. Now, Mr. President, regarding this question of water power, the junior Senator from Idaho [Mr. BORAH] says that that never can be wasted; that the water runs on forever and is not subject to exhaustion, as is a coal field or an oil field. Well, that is true. There is no contention as to that. There is a contention, however, that the Nation itself does own throughout the public domain available locations for the development of water power.

The Senator knows that there are only certain points at which the water can be utilized for power. Those points must be where there is a sudden fall in the water, so as to develop the power, and those points are not very frequent. They have their value for that purpose; but if they fall into the hands of individual owners, who simply wish to use the location acquired oppressively to the community, and the community as yet is not sufficiently strong, has no law upon its statute books or law in its organic act which enables it to deal with the question, we know how long an oppression of that kind can be carried on without any relief to the people.

Mr. BORAH. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. BORAH. Mr. President, if the man who gets hold of the power site develops it and puts the power into the market, then the statutes in the State which I have the honor in part to represent are very full and complete for the fixing of the charges; in fact the man would first have to go to the state engineer and secure permission to proceed at all. Therefore, if he develops the power and puts it upon the market, we control the price; if he buys the power site and holds it for sale, under the provisions of our constitution, the public needing it, or any individual asserting that he desires to develop it for the benefit of the public, may condemn it. So he must proceed, in the first place, if he holds it; and if he does proceed, we fix the exact charge which he may make to the public.

Mr. NEWLANDS. I judge from what the Senator states that Idaho is a State that has very wise laws, probably better laws than some of her neighbors have upon this subject. I am informed that Idaho has guarded very carefully the grant of land that was originally made to Idaho by the Nation for school purposes, and that they are protected in the organic act itself, so fearful were the people of that State that an improvident or dishonest legislature might part with this domain; but other States have not been so wise. I know of States where the grants from the National Government have practically been dissipated. So far as the national action is concerned, almost any action, perhaps, turning over property absolutely to the States themselves without reserve, might operate well in the State of Idaho, but it might not operate well in other States. So it has been with the swamp-land grants. I dare say that some of the States have wisely administered the trust, but we know that in most of the States the contrary is the case. This simply indicates that time ought to be taken for consideration and reflection, and that we should not rush improvidently along, permitting these lands to be taken up and to go out of the ownership of the Government, until we see that wise precautions are taken either by the National Government in the granting act or by the States themselves in their organic law or in their statutes.

That involves what I have been contending for a long while—the organization of a national commission on conservation, which will act in cooperation with the commissions appointed from the States, already some thirty-five in number, to take up the question as to what can be done by the Nation and what can be done by the States to secure the fullest development of natural resources for existing generations without a waste which involves injustice to future generations. The appointment of such a national commission was recommended by the conference of governors.

The bill upon which the Senator has been speaking, a bill which was introduced by me at the last session and which has recently received the favorable report of the Committee on Conservation of National Resources is a very wise step in the line of proper conservation legislation. We have shown our inability in the Public Lands Committee to handle the question of the entry of public lands.

Why should we not, then, give the President the power to appoint a commission of fifteen, with full authority to that commission to cooperate with similar commissions organized by the States, with a view to determine what each sovereign State can do within its jurisdiction for the development of its resources and for the preservation of the public domain for home seekers and its protection from monopolistic use?

I yield the floor, Mr. President, to the discussion of the postal bill.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Montana [Mr. CARTER].

Mr. BACON. Mr. President, is that on the motion to concur in the amendment of the House of Representatives to the postal savings-bank bill (S. 5876)?

The VICE-PRESIDENT. It is.

Mr. BACON. The Senator from Iowa [Mr. CUMMINS] desired to be heard on that motion. I was waiting until he got through. I have a few remarks to make myself.

Mr. CUMMINS. Mr. President, I recognize that this is about as inopportune a time for the discussion of an important subject as could be well chosen. However, the proposal of the Senator from Montana [Mr. CARTER] is to me so startling that I can not allow the subject to be determined by the Senate without a word of protest against it.

It is very unfortunate that in the closing hours of the session the Senate is called upon to consider substantially a new bill for the establishment of postal savings depositories. The subject has been under debate in this body ever since I became a member of it. There have been wide differences of opinion manifested; they have been thoroughly exploited, and the Senate reached a deliberate conclusion indicated in the bill that was passed by this body, which went to the House of Representatives three or four months ago.

If this motion involved only matters of detail, I would not consume a single moment of the time of the Senate in considering the differences between the House and the Senate. But this bill which is sought now, under the motion to concur, to be substituted for the Senate bill reverses every policy adopted by the Senate after weeks and months of debate save one, namely, the institution of these depositories. In every other material or important respect the House bill is radically different from the Senate bill. It is not only radically different, but it overturns the very proposition which the Senate reached after long and, as I think, intelligent reflection and debate.

I intend in the little time that I shall occupy to point out not all, but some of the differences between the House bill and the Senate bill. I have much sympathy in the desires of the Senator from Montana for the establishment of postal savings depositories. I am not one of those who are opposed to giving to the American people the opportunity for thrift and saving, which, it is assumed, can be better improved through this medium than any other.

But the Senator from Montana has been so long occupied with the situation that he seems to me to be obsessed with the idea that it is better to establish postal savings institutions, no matter what they are or how they are to be conducted, rather than not to establish them at all. I should like to see a system of postal depositories; I believe that they will serve the country well, but I would rather have no postal savings institutions than to establish them under the provisions of the House bill.

From the very beginning, Mr. President, it has been assumed that the Congress of the United States would determine what post-offices should receive deposits. There has never been a suggestion in the Senate, so far as I have been able to ascertain, toward conferring that power upon any other body of men, and therefore when we passed the bill it provided that every post-office in the United States authorized to issue money orders should constitute a postal savings depository.

I am not insistent upon the exact terms of the Senate bill in that respect. If it were thought better that post-offices of a certain size, post-offices of a certain character, post-offices situated in cities of certain population should be the authorized depositories, I would have no objection to the experiment thus begun. But the House bill, which is now sought to be substituted for the Senate bill, departs entirely from the principle of the Senate bill in that respect, and I beg the privilege of reading the provision of the House bill:

SEC. 3. That said board of trustees is hereby authorized and empowered to designate such post-offices as it may select to be postal savings-depository offices, and each and every post-office so designated by order

of said board is hereby declared to be a postal savings-depository office within the meaning of this act.

Mr. President, I would not be willing to give this power to the board of trustees under any circumstances; but under the history of this measure, in view of the struggle that has been made against it, in view of the motives—I am not impugning the character of the motives, but simply referring to their existence—of the men who have opposed this measure, it is the last extreme of folly to propose that the board of trustees shall have the power or authority to designate among the post-offices of the United States those that shall be authorized to receive these deposits. Why? The banks of the United States are opposed unanimously to the institution of a postal savings system. I do not know of an exception, although there may be one, throughout the length and breadth of the country.

The banks believe that to establish a postal savings system will result in serious inroads upon the business which they now conduct, and therefore they have been before this body and before the House of Representatives with petitions signed by hundreds and thousands and tens of thousands of the people of the country protesting against the establishment of postal savings banks.

I am not going to enter upon the merit of their objections. I believe that in large measure it is imaginary, and notwithstanding all the reasons which they have brought to Congress upon this subject, I am still in favor of postal savings depositories.

But it is idle for us to close our ears to what is everywhere said. It is idle for us to close our eyes to what is so obvious and apparent if we but look around us. When this bill went to the House of Representatives it was not believed it or any such bill could ever receive the concurrence of that body. Why? Because the banks, and especially the banks of New England, declared that no such system ought or should be organized in the United States. New England is filled with savings banks performing many, if not all, of the functions which are intended to be performed by the postal savings depositories; and I believe it to be true that the bill passed the House of Representatives in the confident assurance that this board of trustees would not establish any postal savings depositories in that quarter of the country; else it never would have received the concurrence of those who sent it here.

But that is of little importance compared with what must necessarily occur if we adopt a bill of this kind. The very moment this bill is signed these trustees will be besieged from all parts of the country; every bank in the United States will bring its influence to bear upon these trustees, to the end that no postal savings depositories shall be instituted in the vicinity of that bank. What the combined influence of these great centers of finance as well as of politics may be I do not pretend to say. I only know that you and I have no right to create a system which is to be immediately assaulted by influences of that character. If a bank has wide influence and great power, or if a system of banks in any particular town has wide influence and mighty power, then no postal savings depository will be created in that town or in that vicinity. I do not suggest even any corrupt influences, but these banks will show to the board of trustees that in view of their facilities for transacting the business, in view of the opportunities which they offer to those who desire to deposit these small sums of money, it would be a waste of energy and a useless thing to create the post-office of that particular city a postal savings depository.

I take my own case. I live in a town of something like 100,000 people. It is well supplied with banks. I may say, in passing, that the State of Iowa has more banks according to its population than any other State in the Union. I go one step further, and say that although the State of Iowa has but 2,300,000 people, it has more banks than any State in the Union, and we believe that we are fairly well served in respect to business of this character. But in my own city the very moment this bill would be passed every bank would concentrate its influence upon this board of trustees in the endeavor to persuade it not to institute or locate a postal savings depository in the city of Des Moines. They would hold a meeting; they would appoint agents, and those agents would swarm in and around the Capitol and in and around the offices of the trustees in the hope that they might be persuaded that no postal savings institution should be located in our midst.

The same thing would happen in Dubuque, in Davenport, and every other town of moderate size in our Commonwealth.

Now, let us suppose that the board establishes a postal savings institution at Des Moines and refuses to establish one at Davenport or Dubuque. Instantly the whole State is in rebellion because of the discrimination which has been practiced against or in favor of one or the other of these localities, and what would happen in the State of Iowa would happen all over the United States. If Senators want to take on themselves the additional burden which would be created by such a campaign, they are more anxious for that kind of employment than I believe them to be.

Suppose that the board of trustees, looking over New England with her thousands of thriving and prosperous and safe and solvent savings banks, should conclude that that part of the United States needed no such assistance in savings as is proposed in this bill, and therefore should conclude not to invade the province of savings banks in New England, but at the same time should believe that Iowa and Illinois and Wisconsin were less well served with savings banks and should locate savings depositories with us, then again you would hear from every quarter of the West the cry so often heard, and which ought not to be heard, that the Government was being conducted and operated in the interest of one section of the country as against another, and that one section of the country had more influence in Washington and with the administration of our laws than another.

Mr. President, I can not conceive of a more mischievous, a more disturbing, a less satisfactory proposition than is contained in this bill in the respect which I have been considering.

Now, if there had been no such division as I have indicated; if the advocates and the opponents of this bill were generally distributed throughout the country in all the ranks and walks and vocations of life, it would not be so serious a thing; but we might just as well understand that the banks of the country, and possibly other financial institutions, too, some of them, are arrayed solidly against the postal savings depositories.

I venture the assertion that during the nearly two years that I have been a Member of this body—and the postal savings-bank bill was the unfinished business when I became a Member of the Senate—I have received the protest of nearly every bank in my State against any such scheme, and those protests have usually been accompanied by a very large number of petitions, secured, I have no doubt, through the industry and energy of the bank officers.

By the way, we have no mutual savings banks in our State; we have no mutual banks of any kind; but in our State I believe it to be true that 90 per cent of the stockholders of all the banks, whether state or national, are farmers. Outside of two or three of the greater cities of the State, 90 per cent of all the deposits in the banks are the deposits of farmers, and these are the men who have protested against the establishment of any kind of postal savings institutions. I repeat that, notwithstanding that, I am in favor of such depositories. I would not feel that my own State especially needs these additional facilities, for we have many banks, and they are not great, aristocratic, rich institutions; they are very close to the people, as they are owned by the humble class. But notwithstanding the want of any necessity in my State for these institutions, I am willing that they should be established, because I know there is an imperative need of them elsewhere.

But I am not willing to see the banking interests of one part of this country inflicted with this burden, if it be a burden, and another part relieved of the burden, if it be a burden. I am not willing to be responsible for organizing or instituting a campaign with regard to this matter which will be instituted the very moment this bill receives, if it ever does, the signature of the President, and continue with unabated fury and vigor until the whole work of this board is completed.

We will set on foot the very means that will finally destroy the measure itself, and I feel like appealing to the Senator from Montana, who has so sincere and earnest a purpose with regard to this matter, who has manifested it in years of labor to accomplish something of this kind, not to sow the seeds of discord in the very beginning of the work. For if he is successful in passing this bill it will be accompanied with so much dissent, so much discontent, its operation will be so full of difficulty, that not many years will go by until the experiment will have been declared to be a failure and all his work for years will prove to have been of no avail.

See what we are asked to do, Senators. We passed a bill saying that all post-offices designated for the issuance of money orders should constitute postal depositories. The House reversed that policy, reversed it not in detail, but overturned it in principle; and now we are asked to take the conclusion of the House without referring it to a committee, without referring it to a board of managers to endeavor to settle the differences between the House and the Senate. It is a most astonishing proposition, after having carefully, honestly fought this question out over weeks of debate, that we are now asked to take an entirely different proposition, without even doing ourselves the justice and paying ourselves the respect of sending the bill to a conference committee.

I, for one, am not willing to surrender without a struggle. I am not willing to assume that the House bill is so superior to the Senate bill as to take its judgment without giving conferees appointed by the Senate in the usual way the chance to assert the justice and the reasonableness of the conclusion that we reached when the bill was originally before us.

I pass now to the next difference, and I omit all the smaller differences. I care nothing about them.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. Yes.

Mr. CHAMBERLAIN. I know the Senator from Iowa has given this matter a great deal of consideration, but under the law as it stands to-day has not the Postmaster-General of the United States the power to designate what offices shall be money-order offices?

Mr. CUMMINS. I think he has.

Mr. CHAMBERLAIN. And under the Senate bill as it was framed, would he not have the sole power practically by changing those offices to designate those offices which should be depositories?

Mr. CUMMINS. Undoubtedly.

Mr. CHAMBERLAIN. Then, it seems to me, that the power which is sought to be vested in the board under the original Senate bill would really have been invested in one man, namely, the Postmaster-General.

Mr. CUMMINS. The Senator from Oregon, however, omits a very important fact in his consideration of it.

I would be perfectly willing to leave it to the Postmaster-General if it was accompanied with the power to issue money orders. The Postmaster-General would not dare to take away from all New England post-offices the right to issue money orders. The Postmaster-General or the board of trustees would not dare to take away from any part of this country the facilities and the accommodations and the conveniences that are accorded them under the power to issue money orders, and if you will join the power to designate offices for postal-depository purposes with the power to designate them for some other purpose which the post-office now serves and which the people demand, I would have no objection whatsoever.

But when this board comes to consider whether a particular post-office shall be a depository it only has to consider the demands of that community, the wishes of the banks on the one hand and the insistence of those who favor postal depositories upon the other, and therefore the same influences which determine the Postmaster-General in designating money-order offices would not be at work in the execution of the power that is here granted.

In the bill that we passed we made this provision with regard to the security that should be given by banks in which these funds are to be deposited by the Government:

> The board of trustees shall take from such bank or banks such indemnity bonds as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt repayment of such deposits on demand. At its option any bank may deposit collateral security in lieu of an indemnity bond, such collateral to be subject to the approval of said board.

The provision of the House bill in that respect is as follows——

Mr. CHAMBERLAIN. What is the section?

Mr. CUMMINS. It is in section 9, page 15:

> The board of trustees shall take from such banks such security in public bonds—

Now, mark you—

> In public bonds or other securities, supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand.

It is a grave question, it seems to me, whether these securities should be limited to those that are supported by the taxing power. But I do not intend to dwell upon that change in the law. I assume it means bonds issued by the Government of the United States, or of a State, or of a city, or county, or school district, or township, or any other subdivision of sovereignty that has the right to incur an obligation and to discharge it by the exercise of the taxing power. I think it ill advised and ought not to be done; but I would not therefore oppose the bill.

I oppose it upon the ground that it takes away from the bank in which the money is deposited, the right to give an indemnifying bond, and under all circumstances makes the Government deposit a lien prior to the rights of the general depositor. We fought that out before, and while I could not secure the full recognition of the principle which I believed to be just, it was secured to the extent of giving the bank in which the deposit was made the privilege of securing the deposit with an indemnifying bond instead of taking from its assets such bonds or other securities as might be approved by the board and depositing them with the Government as security.

For my own part, I would rather see no postal savings institution consummated than to give the Government a first lien upon the assets of the bank for the return of the deposits. I believe the ordinary depositors of a bank have rights that are just as sacred, that should be protected with the same care and just as sedulously as the depositors in the post-offices or as the Government when it comes to put the money so collected in the bank. What right has the United States to say that a bank which is asking the confidence of a community and in which there is daily being deposited sums of money drawn from every quarter in the community, that that bank shall give or must give, if it takes this deposit of the Government, a part of the property of the bank, the very property of these depositors? The very securities that are accumulating directly and indirectly of these depositors are to be taken and used, if necessary, first for the payment of the government debt. The Government ought to lose if it can not secure itself in some other way——

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I do.

Mr. CHAMBERLAIN. I know there is force in what the Senator says in reference to giving the government depositors an advantage over the other depositors of the bank, but is it not true, as the law is to-day, that every government depository is forced to secure the Government by a deposit of collateral?

Mr. CUMMINS. Unfortunately that is true. The Senator from Oregon is here to reform the law, if the law be not right.

Mr. BROWN. Mr. President——

Mr. CUMMINS. We are not to be bound by a policy which has been established in the past and which I believe to be unjust and unfair. I agree that that has been the policy, but it ought not to be the policy. When the Government deposits money in a bank it can take, if it pleases, such security as it likes, but that bank must not diminish its assets and reduce its power to discharge its general obligation in order to make the Government a preferred creditor. That is my view of the policy the Government ought to pursue toward these banks. I yield to the Senator from Nebraska.

Mr. BROWN. As the Senator from Iowa suggests, it is the present public policy in reference to government funds. Is it not also true that it is the public policy of every State that deposits money?

Mr. CUMMINS. I do not know.

Mr. BROWN. I know it is the state depositories of my own State.

Mr. CUMMINS. I do not know what the policy of Nebraska may be, but in my State we would not tolerate it for a moment. We never deposit a penny of money in any bank under any such law, and I hope we never will.

Mr. SMITH of Maryland. I will say to the Senator that that is not the case in the State of Maryland. We give an indemnity bond for deposits in the State, and not security of the character spoken of.

Mr. CUMMINS. While I believe that most of the States require indemnity bonds, I am not prepared to answer accurately and precisely the question.

Mr. BROWN. The fact that an indemnity bond may be given does not destroy the first lien of the Government on the funds in case the indemnity bonds fail.

Mr. CUMMINS. In our State the Government has no first lien. We regard the right of the person as well as the right of the Government. I hoped that might be the policy everywhere. If the Government loses money it ought to make the loss good out of its general revenue. It ought not to make it good out of particular depositors who might be so unfortunate as to have done business with the same bank that is doing business with the United States.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I do.

Mr. BRISTOW. I should like to inquire of the Senator from Iowa if under this law the postmaster can deposit this money in any bank except a government depository as government funds?

Mr. CUMMINS. He can. This bill follows the Senate bill in that respect. The Government can deposit its money in any bank that is either state or national that is under supervisory laws and reasonably insures the solvency of the bank.

Mr. BRISTOW. It purports to give such power; but does it not require a security which that bank shall give, so that it will prevent any bank from giving such security unless these are declared to be government funds, because a national bank

can not take a part of its assets and put them up as security for this deposit.

Mr. CUMMINS. I had not come to that part yet.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I do.

Mr. BROWN. Does not the Senator understand that the postmaster not only has the right to deposit in any bank he chooses in the community where the post-office is located, but that he must deposit in all the banks of that community in proportion to their capital stock and surplus?

Mr. CUMMINS. I have already given the security that is proposed here.

Mr. BROWN. It always goes that the depository must comply with the requirements of security.

Mr. CUMMINS. The Senator from Nebraska, however, is discussing a question that I have not reached as yet.

Mr. BROWN. It was brought out by the suggestion of the Senator from Kansas.

Mr. CUMMINS. I will come presently to that phase of the bill.

I am now protesting against the change in the Senate bill with regard to the character of securities to be given by the banks. We determined not very long ago, and with practical unanimity, that banks should have the privilege of giving indemnifying bonds, thus avoiding the necessity of making any inroads upon their assets, which ought to be responsible for their obligations. The House overturns that policy, returns the bill to us, and the Senator from Montana, without giving the Senate an opportunity to discuss this difference with the House in the ordinary way—through a conference committee—proposes to change what we deliberately decided should be in the bill.

I am not prepared to say that for that reason alone I would vote against this bill, but I am not prepared to accept this amendment, which takes away one of the most valuable privileges and, I think, one of the most fundamentally just regulations which we could put about this system, without even asking the House why it was done, without knowing what reasons urged the House, or compelled the House to reverse the policy of the Senate. I do not know—does any Senator know?—why the House insisted upon this change in the bill as it passed the Senate. All that I ask in this regard is that the Senate, through its chosen conferees, shall have an opportunity to insist upon the propriety and upon the justice of the regulation that we originally established in the bill.

As far as I am concerned, I repeat what I have often said before in the course of the debates upon the bill, that I regard it as essentially wrong for any bank, being a mere trustee for hundreds and thousands of people who confide in it, to take any part of its property and pledge it for the payment of any particular debt. I do not like to see my Government asking a bank to do that injustice to the men whose confidence and trust it must have in order to do business anywhere or at any time.

Now, mark you, while I have no sympathy with the policy heretofore pursued, yet it is of little consequence as compared with the policy that will be attached to this bill. We are now organizing a system under which vast sums of money will come into the post-offices and vast sums of money will be deposited in these banks. If I were doing business with the bank and I knew that it had taken a sum of money from the Government exceeding its capital—and the deposit would often exceed the capital of the bank—knowing that the bank had taken from its bonds or other securities the property which had been, in part at least, accumulated by the depositors and had pledged them, either with the Government or with any other creditor, how long do you suppose such a bank could maintain or could hold the confidence of any business community?

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. Certainly.

Mr. BROWN. Is there any limitation in the bill which forbids the bank from receiving more than the capital stock and the proportion of surplus?

Mr. CUMMINS. Yes, sir; I said capital. The Senator from Nebraska did not quite catch my remark, I think. The surplus of a bank oftentimes exceeds its capital. There are many instances of that kind. I said it would happen that there would deposits come to a bank under this bill that would exceed the capital of the bank. If the Senator from Nebraska were a man of large financial affairs—I wish he were, but I am afraid he is like myself and has only an abstract interest in banks—would he want to trust his fortune to a bank in which probably its largest depositor was secured by assets taken from the bank itself, so that in the case of misfortune that particular depositor would be paid and all the remainder must take what is left?

Mr. BROWN. Mr. President——

Mr. CUMMINS. I do not believe that he would want to do business with any such bank.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I do.

Mr. BROWN. I do not care to have my financial condition exposed in this debate, but if I were doing business with a bank as a borrower of course I would not be worried much about who were the depositors.

Mr. CUMMINS. I did not assume the Senator ever did business of that character.

Mr. BROWN. If I were doing business as a depositor, it would never enter my head, nor would it the head of the Senator from Iowa, to withhold his deposit because the Government was putting its postal funds in that bank. Whether to the extent of $1 or $500,000, the security is the security the Government takes from the bank.

Mr. CUMMINS. It is perfectly plain now that the Senator from Nebraska does not do business with banks in the character of a depositor. I know that as a borrower it makes little difference, but I venture to say that if the banks of my town were to publish that they were giving two or three of their largest depositors security for their deposits out of the assets of the bank they would instantly lose not only the confidence of the people but lose the business they had acquired. Every man wants his money returned when he puts it in a bank, and the only fear he has is the fear of insolvency. If when that event comes, if it ever does come, if the bank is to pay to a series of preferred creditors, the poor ordinary depositor has very little to hope for. However, I did not intend to dwell at such length upon this feature of the bill, because it is the very least objectionable of all the changes that were made by the House.

Mr. SMITH of Maryland. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. CUMMINS. I do.

Mr. SMITH of Maryland. Is not this very objectionable to the country banks? For instance, this money is found in different sections of the country. Can a country bank afford to buy bonds at the low rate of interest they will have to buy them at as security for these deposits and then pay the 2½ per cent? The result of it is, in my judgment, that the money will not remain in the sections of the country from which it is taken; it will be sent elsewhere, in the large cities.

Mr. CUMMINS. Of course the Senator from Maryland has touched the real difficulty, which I was about to attempt to reach. It is simply another effort to take this money away from the country banks. The government bonds that bear 2 per cent or 2½ per cent interest can not, of course, be held by the ordinary bank. There is no bank in the country that would hold any considerable amount of government bonds unless they could use them and had to use them for the purpose of furnishing a basis for their currency. The state bonds bear an equally low rate of interest.

The municipal bonds, usually those that are worthy of being held at all, bear a very low rate of interest, and so on with all these public bonds. I venture to say that nine-tenths of the banks in my State hold no such bonds at all except as they are held by the national banks to give them the currency which the law permits such banks to issue upon the basis of the bonds. The purpose of this is to deprive our banks of this money. It is a part of a whole scheme. I do not believe that anybody will deny that the general spirit of every amendment that has been proposed by the House to this measure has been to take away from the country banks the chance to hold these moneys.

But I pass to the third objection, and it is the chief objection, for, if I might be brought to favor or to tolerate the changes that have been made to which attention has been already called, I never can support, I never will support, the proposition which is contained in this bill with regard to the deposits in these banks and the circumstances under which the deposits may be withdrawn.

I know that it is simply a colorable evasion of the plan that received the approval of the Senate; I know that it is here for no other purpose than to make nugatory the requirement upon which we insisted that this money should be deposited in the banks of the community and there remain until needed for the discharge of the obligations to depositors. I believe that under this bill there would be no money deposited in the banks, or, if deposited there—I assume there might be a technical deposit—it would be at once withdrawn. I am not imputing any bad mo-

tive except the bad motive to circumvent the Senate. We adopted a certain policy in this respect, and the House has overturned it. That is all.

I know that there are men who believe that this money should not be deposited in the banks. Men in very high station have so stated since the debate in the Senate began. They have so stated repeatedly, and I but reiterate a common rumor, which I think is the common knowledge of us all, that the ingenuity of those who are responsible for the framework of this particular bill was exercised simply to subvert what had been the reflective judgment of the Senate of the United States.

There never was a postal savings-bank bill introduced in the Senate that did not have for its basis the deposit of the money collected at the post-offices in the banks of the vicinity, and the retention of that money—not a mere technical deposit of it, but the retention of the money there in order that it might serve the purposes of commerce and of trade in those communities. No postal savings-bank bill could ever have passed the Senate without such a provision. The Senator from Montana [Mr. CARTER] never before advocated such a proposition. It was in his first bill, it was in his last bill, and during the whole debate before the Senate he insisted as rigorously and as steadfastly for that principle as did any Senator upon the floor, and yet I assert that the House bill completely destroys the action of the Senate in that respect.

I marvel that the Senator from Montana is willing to ask the Senate to surrender that part of our bill without a single effort to retain it. How does he know that, if he were to become a member of a conference committee, he might not convince the conference managers of the other House that the Senate bill was better for the people of this country in this particular regard than the House bill? Have we not a right to assume that men are open to conviction? Have we not a right to assume that they are patriotic? Have we not a right to assume that they know something of the history of postal savings-bank controversies for the last twenty years? What right have we to declare by the adoption of this motion that the House conferees, if a conference should be had, when they come to meet our own managers, will not recede from a principle or a proposition which in the Senate no man dared to assert?

You will remember when we had the bill under debate here, aside from a reserve which was contended for by the Senator from Vermont [Mr. PAGE], the great bulk of these deposits were to remain in the banks and were to be withdrawn only in case of imminent danger. That was the suggestion of those who were most favorable to the plan that came from certain high quarters, and even they did not insist that the President should have the right to withdraw these deposits except in cases of imminent danger to the public credit or in the exigency of war. Yet—and allow me to read what we have here now——

Mr. SMITH of South Carolina. Mr. President, will the Senator from Iowa allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. I wish the Senator would turn to page 15. I should like to ask him what his interpretation is of the following provision:

> The funds received at the postal savings depository offices in each city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion to the capital and surplus of each such bank) willing to receive such deposits under the terms of this act and the regulations made by authority thereof, but the amount deposited in any one bank shall at no time exceed the amount of the paid-in capital and one-half the surplus of such bank.

In the case of a community where the postal savings bank proves popular and the money is gathered up to an amount which exceeds the paid-in capital and one-half of the surplus, what is to become of the overflow?

Mr. CUMMINS. That would pass into the hands of the board of trustees.

Mr. SMITH of South Carolina. And it would go naturally away to those banks that have larger paid-in capital and a larger surplus?

Mr. CUMMINS. Precisely. Mr. President, I recognize that weakness in the bill, but it is to my mind so much less objectionable than the part that I am about to mention that I have not given it much thought.

Mr. SMITH of South Carolina. The reason I asked that question is this: I am familiar with a section of the country where the individual deposits are rapidly exceeding the surplus and paid-in capital of our banks in the ratio of three to one. The deposits have increased in nine years in our trust companies $50,000,000.

Mr. CUMMINS. But the Senator from South Carolina must remember that these are only the deposits at the post-offices, and I can not believe that the deposits at the post-offices will constitute a very large proportion of the entire deposits of any community. I think most of the money which is in circulation will still be deposited in the ordinary commercial banks, notwithstanding the establishment of postal savings banks.

Now I desire to read from the bill as passed by the Senate. There was a positive command to deposit all the moneys in the banks of the community, and the only way in which that money could be withdrawn was, first, to pay the deposits when demanded, and then as follows:

> *Provided*, That when in the judgment of the President, war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

Then follows the provision which limits the investments in bonds to those which bear at least 2½ per cent. Now I beg your attention while I read the provision which the House bill contains upon that subject. In the first place, 5 per cent of the amount is never deposited in the banks. While I think that a reserve is entirely unnecessary under this system, because all the moneys are subject to check in all the banks, yet I would have no serious complaint of a reserve of 5 per cent. But the bill then proceeds:

> Not exceeding 30 per cent of the amount of such funds may at any time be withdrawn by the trustees for investment in bonds or other securities of the United States.

There is no limitation as to the character of the bonds or the interest they draw, and 30 per cent of the whole amount thus at once put at the disposal of the board of trustees need not remain in the banks one moment longer than the board thinks it wise that it shall so remain. Then follows:

> It being the intent of this act that the residue of such funds, amounting to 65 per cent thereof, shall remain on deposit in the banks in each State and Territory willing to receive the same under the terms of this act, and shall be a working balance and also a fund which may be withdrawn for investment in bonds or other securities of the United States—

That is, the 65 per cent—

> but only by direction of the President, and only when, in his judgment, the general welfare and the interests of the United States so require.

It is absurd for any man to insist that this constitutes any limitation whatsoever. Assuming that the President of the United States would always be actuated by the highest motives known to man, there is no limitation upon him or the board in these words. They are the exact equivalent of saying that the President of the United States can direct the investment of these funds in any way that the general welfare of the country requires. It is a mere matter of judgment. Congress will have imposed no rule whatsoever. It is foolish; it is silly for the Congress of the United States to assert a rule of that character. To say that the disposition of these moneys shall be according to the judgment of the President of the United States respecting the general welfare is to set up no standard and no rule whatsoever. The President would be entirely within his authority if he withdrew from the banks this money at any time if he believed that it was wiser for the country as a whole that the deposits in the post-offices should be invested in bonds of the United States rather than be deposited in the banks of the United States.

Remember that I am in no wise criticising the President we now have or anticipating or projecting any criticism of any President that we may have; I only say that here are two opposing policies. We have been standing for a policy which requires this money to remain in the community in which it is gathered unless war or some cataclysm, if you please, of commerce or of trade should threaten the public credit. The House bill says, however, that this bill shall be disposed of according to the judgment of the President as to the general welfare, the common good.

Mr. JOHNSTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. CUMMINS. Gladly.

Mr. JOHNSTON. I quite agree with the Senator. I think it is to be presumed that the President would do exactly the right thing in his judgment; but I want to ask the Senator if he does not think that it would be the duty of the President to invest this money in bonds bearing 2½ per cent or a greater per cent, rather than leave them in the banks where they would be deposited, because they only draw 2½ per cent in the banks, and if a larger rate could be obtained by investing in bonds, it would be to the general welfare and public interest to require the investment.

Mr. CUMMINS. Mr. President, I am not quite willing to concede the proposition just stated by the Senator from Alabama. The general good, of course, might involve other considerations

than the rate of interest which the deposit might bear; but I think it is perfectly fair to say that if the next President of the United States holds the same opinion with regard to such things as has been expressed by the existing President of the United States this money would not remain in the banks at all, because, as I understand his public declarations, they are to the effect that he is of the judgment that the general welfare will be promoted by investing these funds in bonds of the United States rather than in any other kind or kinds of securities.

But, however that may be, I want to impress upon the Senate the one conclusion, namely, that we are instituting no rule whatever here; we are taking off every limitation; and we are simply going through the farce of prescribing where these moneys shall be deposited and leaving the President of the United States with full power to take them and use them in purchasing bonds if he believes that on the whole the good of the country would be accomplished by such investment rather than by such deposit.

If there is one thing that we have fought out here it is that these moneys shall remain in the communities in which they are gathered until they are diverted from those communities by the ordinary laws of trade and of commerce and of free will on the part of those who are doing the business of those communities. That was the vital, pivotal question in this bill when it came into the Senate. It has been the vital and pivotal question ever since. We who stood here day after day and week after week for the rights of our communities in this regard are expected tamely and weakly to give them up and submit ourselves to a reversal of the policy simply because a different policy has been adopted by the House of Representatives.

I venture to say that in the whole history of the United States no such proposition was ever made to the Senate. Without even an effort, without even a struggle for the very heart and soul of this bill, we are asked to reverse our position and to take up one which will be repudiated by every community in the United States, I care not whether that community be East or West. Possibly in those communities which will escape the postal savings institution there may be no expression of this discontent, but in those communities in which they are fastened upon the people and from which there shall begin an instant drain of their money toward Washington and toward New York and toward investments in which they have no interest and which can not promote the good and the welfare of the particular communities—from them Congress will presently hear a voice so loud and so commanding that those of us who live in the sound of that voice may well take heed.

You Senators who have no fear of having postal savings depositories located in your midst under such a bill as this may treat lightly these considerations, but those Senators who live in communities in which postal depositories will be established will have to reckon with your people when you see whatever moneys do go into the post-offices, in a constant, continuous stream, go to the bonds of the United States or to the great banks of New York, Philadelphia, or Chicago.

I look upon it as treason to that which we have already done. Is it possible that there is no more stability in the judgment of the Senate than would be discovered if the Senate were to recede without a single word, without a fight, for what it has declared to be right and what it has declared to be the privileges of these communities in which the postal depositories are to be established?

The Republicans of the American people, in declaring for a postal savings bank or institution—I care not what you call it—declared for it in the faith and upon the belief that money deposited in the post-offices would be kept in the communities in which the post-offices were situated until released by the laws of business. That is what we meant in 1908. That is what we declared but two or three months ago; and I earnestly entreat Senators to at least give a conference committee the opportunity to work out our desires in a free and full and fair conference. It can not be any more exclusive than the one described by the Senator from Nevada [Mr. NEWLANDS] the other day.

Mr. NEWLANDS. Mr. President——

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

Mr. CUMMINS. I do.

Mr. NEWLANDS. I will ask the Senator from Iowa whether he understands it is proposed by those in charge of this bill to accept the House amendment without referring the matter to a conference?

Mr. CUMMINS. I fear the Senator from Nevada has not been listening to me.

Mr. NEWLANDS. I have not. I have not been here during the——

Mr. CUMMINS. We passed a postal savings bill. It went to the House. The House struck out everything after the enacting clause and passed one which bears no resemblance whatever in its essential principles to the one passed by the Senate. It comes back here, and the motion of the Senator from Montana [Mr. CARTER] is to concur in the House amendment, and it is against that that I am using the time of the Senate and a little of my own strength.

Mr. President, I have concluded what I have to say upon this subject. I repeat that it is most unfortunate that we are called upon in these very closing hours of a long session to consider a new and a novel postal savings bill, containing propositions that were never before us, that are more objectionable than any that were ever urged in a bill or in any amendment or in any part of any amendment proposed here, to enlarge the general power of the Government in withdrawing these funds. And yet, on this hot afternoon, when men speak at the risk of comfort, if not of life, and where Senators listen under the most serious protest, and only listen because they are the most courteous men in the world, under those circumstances we are asked to redebate, rewrite, and readopt a postal savings scheme that was never proposed to the people of the United States until it made its appearance in the bill passed by the House of Representatives.

Mr. President, I hope the Senator from Montana, whose ears are always open to every appropriate and patriotic appeal and whose mind is always free for every sane and sound argument, will yet propose the usual motion, namely, that the Senate disagree to the House amendment and ask for a conference.

Mr. HEYBURN and Mr. BACON addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. HEYBURN. Mr. President, in looking over this bill I find there are some rather novel features that I do not intend to discuss at any length, but merely to call attention to.

Section 10 of the bill seems to me to be impossible of execution. It gives depositors the right to demand bonds of the Government of the United States, and it gives them an unqualified right. Were it not for the limitation contained later in the section they would have the right to increase the national indebtedness, without any option whatever remaining in the Government. This is the limitation:

> That the bonds herein authorized shall be issued only (1) when there are outstanding bonds of the United States subject to call.

The outstanding bonds of the United States subject to call are less than $80,000,000. So there is a limitation upon the right of depositors to demand bonds. But as against that there is the Government's right to retire those bonds to the extent of 30 per cent of the deposits. So it would appear from a practical standpoint that the depositors would not be able to secure any bonds whatever under this law. It was supposed an attractive feature that the depositors might convert their funds into government bonds bearing 2½ per cent interest.

It is obvious that the Government will not issue bonds, either at its own instance to the extent of one-third of the deposits or at the instance of a depositor who desires to surrender his certificate of deposit, that bear 3½ per cent interest and undertake to retire 2½ per cent bonds or even 3 per cent bonds. There is a practical objection which renders absolutely nugatory the provision in this measure authorizing the depositors to secure government bonds.

The only bonds they could secure would be the 1908–1918 bonds. No other bonds are subject to call except the 1908 bonds, nor will there be any bonds subject to call, outside of those bonds, prior to 1925, when the 4 per cents are due, and outside of that there will be no bonds subject to call until 1936.

So, while it is a tempting provision in this bill that depositors may surrender their certificates and take bonds, there are no bonds to give them, nor will there be during the lifetime of the present generation.

I desire to call attention to this, as it goes to the practical operation and working of this bill. I can not imagine how it came about that those responsible for the measure before us should have overlooked that fact, and that they have overlooked it is obvious upon the face of the record. We know exactly what bonds there are outstanding. We know exactly when they are due. The Government is given the right to take up one-third of the deposits and invest in bonds subject to call. There are not enough bonds subject to call to take up one-tenth of the deposits. So we are confronted with a condition there against which the provisions of this bill are helpless and of no benefit or avail whatever to the depositors.

That is the first item. The second is that the bonds may be issued—

> at times when under authority of law other than that contained in this act the Government desires to issue bonds for the purpose of replenishing the Treasury.

There is no probability, in view of existing conditions, that the Government is going to issue bonds for the purpose of replenishing its Treasury. Nothing but the most flagrant misgovernment and mismanagement of the affairs of the Government could bring about such a condition. So there is no hope whatever that these depositors are going to be able to surrender their certificates of deposit for bonds. If they could do it, it would be only at the expense of increasing the national debt, which, of course, no one contemplates. The Government has no occasion to increase the national debt. It has no necessity for doing so, nor is it possible to see at this time the necessity for such action.

Mr. BACON. Mr. President——

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

Mr. BACON. I do not wish to interrupt the Senator from Idaho if he desires to address the Senate at length. I have remained standing because I respectfully submit that I was entitled to recognition by the Chair.

Mr. HEYBURN. I will have no controversy with the Senator.

Mr. BACON. I will not have any with the Senator, either. The Senator must not misunderstand me.

Mr. HEYBURN. I had no notice that the Senator from Georgia desired to take the floor.

Mr. BACON. I had distinctly twice addressed the Chair, and the Chair recognized the Senator from Idaho.

The PRESIDING OFFICER. The Chair begs pardon of the Senator. The Chair did not hear the Senator from Georgia.

Mr. BACON. Twice the Chair recognized a Senator who had not addressed the Chair. On this bill I want to say this——

Mr. HEYBURN. Let us determine this question. The Chair can take me off the floor, but no Senator can do it.

Mr. BACON. I do not wish to do it. I have no desire to do so.

Mr. HEYBURN. I crave the patience of the Senator from Georgia. I rose to make a very few remarks and I had about concluded them, but I can not submit to any claim on the part of any Senator to determine whether I am entitled to the floor or not. That is a question for the Chair to determine.

Mr. BACON. The Senator misunderstands me altogether. I am not reflecting on the Senator in any particular. The Senator was recognized by the Chair, and has a right to proceed. I only interrupted him for the purpose of bringing the attention of the Chair to that fact, and had no desire to take the Senator off the floor.

Mr. HEYBURN. I so understand it. The Chair recognized me, and I have understood from remarks of the Senator from Georgia that he intended to address the Senate somewhat at length. I have taken occasion to make these brief suggestions, which have occupied but two or three minutes, at this time, supposing the Senator from Georgia expected to conclude the debate upon this question.

Mr. BACON. I am in no wise reflecting upon the Senator, and have disclaimed it several times.

Mr. HEYBURN. I was about to conclude with this suggestion: This is a through ticket to the money of the country to New York. There is no return ticket in this bill. There is no question but that it will bring the money of the East or West or North or South to the money center, but there is not a single provision in this bill under which we may even contemplate the time or the circumstances under which this money will return to the land from which it starts on this excursion to the money speculating center of the United States.

Now, I have concluded my remarks.

Mr. BACON. I do not wish to make any point about this further than to call attention to what I think is a bad practice which is being introduced in the Senate. It is a practice which obtains elsewhere, but is not defensible here. Under our rules a Senator who addresses the Chair is entitled to recognition; and I do not wish to be understood as making any reflection upon the Chair in this particular instance. It has grown somewhat into a practice, and against it I wish myself to protest.

The PRESIDING OFFICER. The Chair would like to suggest to the Senator from Georgia that the present occupant of the Chair has no list, and he heard only the Senator from Idaho address the Chair. He did not hear the Senator from Georgia. If he had heard the Senator from Georgia first, the Senator would have been recognized.

Mr. BACON. I am perfectly content that the rule shall be properly recognized. That is the only point I have in the matter.

Mr. President, there is one matter I wish to call attention to, and I hope I may have the attention of Senators, because I think it is important in this connection. I do not propose to address the Senate to-night unless I am required to do so.

But there is one feature of the present situation to which I desire to call attention. This is not a conference report. If it were, it would be simply a proposition whether we would accept it in its entirety or reject it in its entirety. The question before the Senate is whether we will accept an amendment from the House. Whenever the House sends us an amendment we are authorized under parliamentary law to amend that amendment.

I want to suggest to the Senator from Iowa and other Senators who feel as I do about the proposition sent to us by the House that we have the opportunity to perfect it, to strike out that to which we object and insert other propositions which will be in accord with what was the previous expression on the part of the Senate.

Mr. President, I myself am going to offer an amendment to the House proposition, and there are a great many other amendments which ought to be offered. I trust that Senators who have discovered objectionable features in the bill will address themselves to the task of perfecting the bill. I do not know but that we are in a better position than if the Senator from Montana had asked for a committee of conference, because if he had asked for a conference they would have brought something in here, as they have done in the commerce-court matter, which many of us would have objected to; but at the same time, as conference reports go, as a matter of course, they are accepted, because it is said it is the best that can be done. But here is a substantive proposition which comes to us from the House, and every line and every letter of it is open to amendment.

I will say to the Senator from Iowa and other Senators that it is our proper province now to proceed to the proper amendment of the House substitute. I myself am going to offer an amendment. On page 16, beginning in line 10, I move to strike out the words "not exceeding thirty per centum," and all of that section down to the word "require," in line 22, because that is the fundamental proposition which entirely revolutionizes this entire proposed legislation.

I do not know that the Senate desires to proceed this afternoon any further. We have been here six hours in an exceeding uncomfortable condition of the Chamber. I myself am not desirous to proceed unless I am compelled to do so. I wish, however, to have the motion which I have made to amend entered, and there are other motions which I shall make in that regard unless other Senators prepare them and have them ready. I think the feature the Senator from Iowa has discussed with so much strength as to the security offered and the effect of it should be cured by a proper amendment, and I trust he will prepare one for that purpose.

I now offer the amendment; and I would inquire of the Senator from Montana——

The PRESIDING OFFICER. Will the Senator from Georgia kindly restate his amendment so that the clerks can get it?

Mr. BACON. The amendment which I offer is to strike out, on page 16 of the bill as it comes from the House, all the words of that section found on that page, beginning with line 10——

The PRESIDING OFFICER. The Senator will suspend for a moment. The bill the clerks have contains only 14 pages.

Mr. BACON. I am going by the printed bill sent to us. That is what I have in my hand. It is the printed bill as it comes from the House. That is the bill which is usually used.

The PRESIDING OFFICER. Will the Senator kindly indicate what section it is?

Mr. CUMMINS and Mr. BACON. Section 9.

The PRESIDING OFFICER. That is on page 5.

Mr. BACON. It begins here on page 14. If we have to make our motions in accordance with the document as it comes from the House we will have to have it printed so as to have the lines numbered; and that is done in the bill that comes from the House.

Mr. CUMMINS. The difference which arises is that in the printed bill, the Senate bill is printed first and then follows the House amendment.

Mr. BACON. This is a Senate bill with the House amendment proposed to it.

Mr. CUMMINS. But the original Senate bill is printed and then the House amendment. I suppose that in the copy the clerks have the original Senate bill does not appear.

Mr. BACON. I should like to inquire of the Chair whether it is the opinion of the Chair that in proposing amendments we should conform to the pages and lines that are given in the document on the desk that comes from the House? If so, it will have to be printed because we can not have the use of that which belongs at the desk.

The PRESIDING OFFICER. The Chair understands that the bill is printed—the House print.

Mr. BACON. The bill is printed, and I have a copy in my hand. I made reference to the pages and lines as found in the printed bill.

The PRESIDING OFFICER. The clerks now have the print from which the Senator has moved his amendment. Prior to that time they were using the message that came from the House.

Mr. BACON. I understand. Then we will proceed with the printed bill. The words which I propose to strike out are these, beginning on page 16, line 10:

Not exceeding 30 per cent of the amount of such funds may at any time be withdrawn by the trustees for investment in bonds or other securities of the United States, it being the intent of this act that the residue of such funds, amounting to 65 per cent thereof, shall remain on deposit in the banks in each State and Territory willing to receive the same under the terms of this act, and shall be a working balance and also a fund which may be withdrawn for investment in bonds or other securities of the United States, but only by direction of the President, and only when, in his judgment, the general welfare and the interests of the United States so require.

That amendment begins, as I said, on page 16, line 10, and ends on the same page in line 22.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 16, line 10, after the word "purpose," strike out, beginning with the words "not exceeding," in line 10, down to the words "so require," in line 22.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. BACON. I desire to be heard on that somewhat fully, and I would prefer not to go on this afternoon, as anybody can see I am not exactly in good condition for speaking on account of the condition of my throat, and I am wearied from the day's work.

Mr. CARTER. I fully realize that the Senate has passed quite an exhausting day since 11 o'clock. At the same time I believe that the Senators present are extremely anxious that this business shall be disposed of in order that the way may be cleared for final adjournment. I will, in view of the suggestion that the matter go over, renew a request made some days ago for unanimous consent to fix an hour for a vote on the motion and any amendment thereto.

Mr. BACON. I think, in view of the fact that we are confronted with an entirely new proposition, which we desire not simply to discuss in its entirety, but endeavor to perfect, that the request now for a time for taking the vote is rather premature. I have no desire in the world to delay the matter, but this bill comes back to us with an amendment which absolutely reverses the declared will of the Senate, and it is presented to us in a position where we not only have the opportunity but where we are charged with the responsibility, if we do not approve of it, of perfecting it.

Mr. CARTER. Mr. President, the suggestion of an absolute reversal will be the subject of some difference of opinion. I should say that the views of the Senate were modified considerably over the House bill.

In view of the suggestion of the Senator that he deems it inexpedient to attempt any effort at getting unanimous consent at this time and his desire to proceed to-morrow morning rather than this evening, I will, with the Senator's permission, if he will yield the floor for that purpose, move that when the Senate adjourns it be to meet at 11 o'clock to-morrow, and I will follow that, I will say to the Senator, by a motion to proceed to the consideration of executive business, if that be agreeable.

Mr. CUMMINS. I ask the Senator to withhold that motion.

Mr. CARTER. I will withhold the latter motion, of course.

The PRESIDING OFFICER. What is the motion of the Senator?

Mr. CUMMINS. I hope the Senator from Montana will not insist upon convening to-morrow morning at 11 o'clock. Ordinarily I have been in favor of so doing, but the Interstate Commerce Committee has a very important hearing at 11 o'clock to-morrow. I have the greatest desire to be present during the consideration of this bill. I think other members of the committee have a like desire. I trust that the Senator will not insist on that motion. If he should insist upon it, I feel that the sense of the Senate ought to be taken upon the question.

Mr. CARTER. I proposed to make the motion on the assumption that the proceeding would be generally agreeable to the Senate. If, however, the committee meetings already arranged will be interferred with, I shall not insist upon it.

Mr. BACON. I want to say to the Senator that I have, in conjunction with the Senator from Connecticut and the Senator from Idaho, a very important conference committee meeting to-morrow morning on a bill that is of large public importance, we being the conferees on the part of the Senate on a matter in conference.

Mr. CARTER. In order that progress may be made to-morrow, I give notice that I shall move for the consideration of this bill immediately after the close of the routine morning business, and at the present time I move that the Senate proceed to the consideration of executive business.

Mr. BAILEY. I suggest that the Senator ask that this bill be printed for the use of the Senate. I understand we have only the copies as they were printed for the House.

Mr. CARTER. I accept the suggestion of the Senator from Texas and ask unanimous consent that the bill now pending be reprinted with the amendment thereto attached.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its chief clerk, announced that the House had passed the following bills:

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

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

S. 6877. An act to amend an act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905;

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

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

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

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

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

The message also announced that the House had passed the bill (S. 5035) granting cumulating annual leave of absence to storekeepers, gaugers, and storekeeper-gaugers, with pay, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 7361) to give the consent of Congress to the building of a bridge by the cities of Menominee, Mich., and Marinette, Wis., over the Menominee River, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 3659. An act amending section 5 of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882;

H. R. 13448. An act amending the statutes in relation to the immediate transportation of dutiable goods and merchandise;

H. R. 17560. An act granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes;

H. R. 21220. An act transferring Maries County to the eastern division of the eastern judicial district of Missouri;

H. R. 23314. An act to authorize the employment of letter carriers at certain post-offices;

H. R. 26349. An act to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across St. Marys River;

H. R. 26458. An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.;

H. R. 27010. An act to permit William H. Moody, an associate justice of the Supreme Court of the United States, to retire; and

H. J. Res. 223. Joint resolution to authorize the appointment of a commission in relation to universal peace.

The message further announced that the Speaker of the House had signed the following enrolled bills:

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

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

H. R. 18700. An act to prevent the dumping of refuse material in Lake Michigan at or near Chicago;

H. R. 22642. An act to authorize the Secretary of the Interior to sell a portion of the unallotted lands in the Cheyenne Indian Reservation, in South Dakota, to the Milwaukee Land Company for town-site purposes;

H. R. 24375. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906; and

H. R. 25822. 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.

LEAVE OF ABSENCE TO STOREKEEPERS, GAUGERS, ETC.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5035) granting cumulative annual leave of absence to storekeepers, gaugers, and storekeeper-gaugers with pay, which was, in line 6, to strike out all after "year," where it occurs the first time, down to and including "prescribe," line 11, and to insert: "*: Provided*, That said leave of absence is so computed as not to exceed one and one-quarter days for each twenty-six days said storekeepers, gaugers, and storekeeper-gaugers are actually assigned to duty: *Provided further*, That such leave shall be operative under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe."

Mr. BRADLEY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

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

H. R. 13448. An act amending the statutes in relation to the immediate transportation of dutiable goods and merchandise;

H. R. 26349. An act to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across St. Marys River; and

H. R. 26458. An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.

H. R. 3659. An act amending section 5 of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, was read twice by its title and referred to the Committee on Finance.

H. R. 21220. An act transferring Maries County to the eastern division of the eastern judicial district of Missouri was read twice by its title and referred to the Committee on the Judiciary.

H. R. 23314. An act to authorize the employment of letter carriers at certain post-offices was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

H. J. Res. 223. Joint resolution to authorize the appointment of a commission in relation to universal peace was read twice by its title and referred to the Committee on Foreign Relations.

H. R. 17560. An act granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes, was read twice by its title.

Mr. OWEN. I ask that the bill may lie on the table. A similar bill has been reported from the Committee on Indian Affairs, and I desire to have the Senate put this bill on its passage.

Mr. GALLINGER. Let it go to the committee.

The PRESIDING OFFICER. Objection is made, and the bill will be referred to the Committee on Indian Affairs.

STATUE OF GENERAL VON STEUBEN.

Mr. WETMORE. I ask unanimous consent for the present consideration of order of business No. 653, being the bill (H. R. 16222) for the erection of a replica of the statue of General Von Steuben.

The Secretary read the bill, and, there being no objection, the Senate as in Committee of the Whole proceeded to its consideration. It appropriates $5,000 for the erection of a bronze replica of the statue of General Von Steuben authorized to be erected in Washington, the replica to be presented to His Majesty the German Emperor and the German Nation in recognition of the gift of the statue of Frederick the Great, presented by the Emperor to the people of the United States.

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

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, June 21, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 20, 1910.

SURVEYOR OF CUSTOMS.

John R. Puryear, of Kentucky, to be surveyor of customs for the port of Paducah, in the State of Kentucky. (Reappointment.)

MINISTER.

John R. Carter, of Maryland, now envoy extraordinary and minister plenipotentiary to Roumania and Servia and diplomatic agent in Bulgaria, to be envoy extraordinary and minister plenipotentiary of the United States of America to Roumania, Servia, and Bulgaria.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Roland B. Harvey, of Maryland, now secretary of the legation and consul-general to Roumania and Servia, and secretary of the diplomatic agency in Bulgaria, to be secretary of the legation and consul-general of the United States of America to Roumania, Servia, and Bulgaria.

RECEIVERS OF PUBLIC MONEYS.

Robert X. Lewis, of Havre, Mont., to be receiver of public moneys at Havre, a new office provided by act approved February 15, 1910.

Henry G. Guild, of Newport, Oreg., to be receiver of public moneys at Vale, Oreg., a new office, under act of Congress approved March 15, 1910.

George O. Freeman, of Montana, to be receiver of public moneys at Helena, Mont., his term expiring June 30, 1910. (Reappointment.)

REGISTERS OF LAND OFFICES.

Bruce R. Kester, of Portland, Oreg., to be register of the land office at Vale, Oreg., a new office under act of Congress approved March 15, 1910.

Fred W. Stocking, of Washington, to be register of the land office at Olympia, Wash., his term having expired. (Reappointment.)

Josiah Shull, of Missoula, Mont., to be register of the land office at Missoula, vice Daniel Arms, whose term will expire July 18, 1910.

Clarence E. McKoin, of Montana, to be register of the land office at Lewistown, Mont., his term having expired. Reappointment.

Florian A. Carnal, of Havre, Mont., to be register of the land office at Havre, a new office provided by act approved February 15, 1910.

APPOINTMENT IN THE ARMY.

To be second lieutenants, with rank from June 15, 1910.

CORPS OF ENGINEERS.

1. Cadet Frederick Smith Strong, jr.
2. Cadet Creswell Garlington.
3. Cadet William Carrington Sherman.
4. Cadet Daniel Dee Pullen.
5. Cadet Carey Herbert Brown.
6. Cadet Oscar Nathaniel Sohlberg.
7. Cadet Beverly Charles Dunn.
8. Cadet Donald Hilary Connolly.
9. Cadet Raymond Foster Fowler.
10. Cadet James Gillespie Blaine Lampert.
11. Cadet David McCoach, jr.

FIELD ARTILLERY ARM.

15. Cadet Fred Clute Wallace.
17. Cadet Burton Oliver Lewis.

19. Cadet Herbert Raymond Odell.
22. Cadet Clyde Andrew Selleck.
24. Cadet Ernest Joseph Dawley.
27. Cadet Louie Arnold Beard.
32. Cadet Ivens Jones.

CAVALRY ARM.

12. Cadet Edgar Warren Taulbee.
13. Cadet Dwight Knowlton Shurtleff.
29. Cadet Harry Dwight Chamberlin.
31. Cadet John Julius Waterman.
38. Cadet John Millikin.
51. Cadet Jack Whitehead Heard.
54. Cadet Lawson Moore.
55. Cadet Charles Mann Haverkamp.
60. Cadet Guy Woodman Chipman.
63. Cadet Edgar Willis Burr.
69. Cadet John Arner Robeson.
70. Cadet Joseph Page Aleshire.
73. Cadet Harding Polk.
74. Cadet Duncan Grant Richart.
77. Cadet Chester Piersol Barnett.

COAST ARTILLERY CORPS.

14. Cadet Francis Henry Miles, jr.
16. Cadet Harry Torrey Pillans.
20. Cadet Reginald Bifield Cocroft.
21. Cadet Le Grand Beaumont Curtis.
23. Cadet Kenneth Bailey Harmon.
25. Cadet Elmore Beach Gray.
26. Cadet Herbert O'Leary.
28. Cadet Willard Karle Richards.
33. Cadet Frank Drake.
34. Cadet Martin Hasset Ray.
35. Cadet Meade Wildrick.
36. Cadet Frederick Arthur Holmer.
40. Cadet Fred Seydel.
44. Cadet Charles Albert Chapman.
47. Cadet Robert William Barr.
50. Cadet Charles Hines.
52. Cadet William Armistead Pendleton, jr.
53. Cadet Walter Kilshaw Dunn.
59. Cadet Walter William Vautsmeier.
65. Cadet John Erle Beller.

INFANTRY ARM.

30. Cadet James Irvin Muir.
37. Cadet Daniel Huston Torrey.
39. Cadet Walter Browning Robb.
41. Cadet Durward Saunders Wilson.
42. Cadet Parker Cromwell Kalloch, jr.
43. Cadet Maurice Duncan Welty.
45. Cadet Harvey Morrison Hobbs.
46. Cadet Joseph Eugene Carberry.
48. Cadet Frank Floyd Scowden.
49. Cadet Herbert Edgar Marshburn.
56. Cadet Thomas Sheldon Bridges.
57. Cadet Walter Hale Frank.
58. Cadet Roger Howard Williams.
61. Cadet Fred Barnes Carrithers.
62. Cadet Frederick Elwood Uhl.
64. Cadet Harvey Henry Fletcher.
66. Cadet Jasper Alexander Davies.
67. Cadet John Frederick Landis.
68. Cadet Joseph Stephens Leonard.
71. Cadet Walter Moore.
72. Cadet Oscar Woolverton Griswold.
75. Cadet Robert Horace Dunlop.
76. Cadet John Richard Walker.
78. Cadet Allen Richland Edwards.
79. Cadet Emil Fred Reinhardt.
80. Cadet Calvin McClung Smith.
81. Cadet John Gray Thornell.
82. Cadet William Augustus Beach.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from June 16, 1910.

Ralph Clark Apted, of Michigan.
Thomas Wilbur Bath, of Illinois.
Curtis Bland, of Indiana.
Charles Flood Bowen, of Ohio.
Leroy Edson Doolittle, of South Dakota.
Patricinne Joseph Hoshie Farrell, of Illinois.
Fletcher Gardner, of Indiana.
William Lucian Gist, of Missouri.
Richard Theodore Glyer, of Wisconsin.
William Huard Hargis, of Texas.
Frederick Thomas Harris, of Idaho.
Thomas Wood Hastings, of New York.
Everett Orville Jones, of Washington.
Irvin Lindenberger, of Kentucky.
Walter Henrik Moursund, of Texas.
Philip Francis O'Hanlon, of New York.
Horace Wilbur Patterson, of New York.
Frederick William Shaw, of Kansas.
George Franklin Shiels, of New York.
Charles Aloysius Speissegger, jr., of South Carolina.
Henry Randolph Storrs, of Massachusetts.
Nathan Putnam Wood, of Washington.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

To be captains, after three years' service, with rank from June 15, 1910.

First Lieut. Frederick S. Macy, Medical Corps.
First Lieut. Guy V. Rukke, Medical Corps.
First Lieut. Henry C. Pillsbury, Medical Corps.
First Lieut. Edgar King, Medical Corps.
First Lieut. Arthur C. Christie, Medical Corps.
First Lieut. Howard H. Johnson, Medical Corps.
First Lieut. Ray W. Bryan, Medical Corps.
First Lieut. William H. Richardson, Medical Corps.
First Lieut. William K. Bartlett, Medical Corps.

INFANTRY ARM.

First Lieut. A. La Rue Christie, Eighth Infantry, to be captain from June 12, 1910, vice Capt. Charles Gerhardt, Eighth Infantry, promoted.

Second Lieut. Frederick W. Boschen, Sixteenth Infantry, to be first lieutenant from June 12, 1910, vice First Lieut. A. La Rue Christie, Eighth Infantry, promoted.

Second Lieut. Manfred Lanza, Twenty-first Infantry, to be first lieutenant from June 17, 1910, vice First Lieut. Charles G. Bickham, Twenty-seventh Infantry, honorably discharged June 16, 1910.

PROMOTIONS IN THE NAVY.

Ensign Edward L. McSheehy to be a lieutenant (junior grade) in the navy from the 31st day of January, 1910, upon the completion of three years' service in his present grade.

Gunner Mons Monssen to be a chief gunner in the navy from the 27th day of May, 1910, upon the completion of six years' service in his present grade.

Gunner William J. Creelman to be a chief gunner in the navy from the 30th day of May, 1910, upon the completion of six years' service in his present grade.

POSTMASTERS.

ARIZONA.

Henry Locke to be postmaster at Courtland, Ariz. Office becomes presidential July 1, 1910.

CALIFORNIA.

Thomas C. Bouldin to be postmaster at Azusa, Cal., in place of Thomas C. Bouldin. Incumbent's commission expired April 6, 1910.

D. J. Reese to be postmaster at Ventura, Cal., in place of Le Fevre Webster. Incumbent's commission expired May 7, 1910.

William M. Tisdale to be postmaster at Redlands, Cal., in place of William M. Tisdale. Incumbent's commission expires June 29, 1910.

Alfred A. True to be postmaster at Highland, Cal., in place of Alfred A. True. Incumbent's commission expires June 22, 1910.

COLORADO.

Eleanor H. Todd to be postmaster at Pagosa Springs, Colo., in place of Heman J. Bostwick, resigned.

FLORIDA.

Dick M. Kirby to be postmaster at Palatka, Fla., in place of Dick M. Kirby. Incumbent's commission expired May 7, 1910.

GEORGIA.

Henry Blun, jr., to be postmaster at Savannah, Ga., in place of Henry Blun, jr. Incumbent's commission expired May 9, 1910.

ILLINOIS.

George E. Dexter to be postmaster at Tiskilwa, Ill., in place of George E. Dexter. Incumbent's commission expires June 28, 1910.

Walter W. Lindley to be postmaster at Urbana, Ill., in place of Walter W. Lindley. Incumbent's commission expired January 10, 1910.

John J. Stowe to be postmaster at Girard, Ill., in place of John J. Stowe. Incumbent's commission expired May 18, 1910.

INDIANA.

George W. Duncan to be postmaster at Greenfield, Ind., in place of Walter G. Bridges. Incumbent's commission expired May 9, 1910.

Henry Geisler to be postmaster at Hartford City, Ind., in place of Henry Geisler. Incumbent's commission expired February 20, 1910.

Louis H. Katter to be postmaster at Huntingburg, Ind., in place of Frank H. Dufendach. Incumbent's commission expired February 5, 1910.

Myron A. Thorp to be postmaster at Warren, Ind., in place of Albert H. Coles. Incumbent's commission expires June 28, 1910.

KANSAS.

C. M. Heaton to be postmaster at Lincoln, Kans., in place of William E. Menoher. Incumbent's commission expired May 16, 1910.

Charles A. Mosher to be postmaster at Kinsley, Kans., in place of George W. Watson. Incumbent's commission expires June 22, 1910.

KENTUCKY.

William H. H. Bowen to be postmaster at Covington, Ky., in place of Orrin A. Reynolds. Incumbent's commission expires June 26, 1910.

Jesse K. Freeman, jr., to be postmaster at Central City, Ky., in place of John M. Vick. Incumbent's commission expired February 22, 1910.

MAINE.

James L. Holland to be postmaster at York Village, Me. Office becomes presidential July 1, 1910.

MASSACHUSETTS.

Elisha S. Pride to be postmaster at Prides Crossing, Mass. Office becomes presidential July 1, 1910.

MICHIGAN.

Hannibal A. Hopkins to be postmaster at St. Clair, Mich., in place of Hannibal A. Hopkins. Incumbent's commission expired May 7, 1910.

William J. Morrow to be postmaster at Port Austin, Mich. Office becomes presidential July 1, 1910.

MISSOURI.

Frank McKim to be postmaster at Tarkio, Mo., in place of Frank McKim. Incumbent's commission expired December 15, 1909.

NEW JERSEY.

Charles McCollum to be postmaster at Morristown, N. J., in place of George L. Clarke, removed.

NEW YORK.

William S. Keene to be postmaster at Cold Spring Harbor, N. Y. Office becomes presidential July 1, 1910.

OKLAHOMA.

Bert B. McCall to be postmaster at Walter, Okla., in place of Elliott F. Hook. Incumbent's commission expires June 28, 1910.

OREGON.

Diana Snyder to be postmaster at Aurora, Oreg., in place of Henry A. Snyder, deceased.

PENNSYLVANIA.

William F. Elkin to be postmaster at Jeannette, Pa., in place of Silas C. Daugherty. Incumbent's commission expired May 7, 1910.

SOUTH DAKOTA.

William A. Carter to be postmaster at Castlewood, S. Dak., in place of William A. Carter. Incumbent's commission expired June 18, 1910.

Arthur W. Jeffries to be postmaster at Mellette, S. Dak., in place of William T. Dale, deceased.

TENNESSEE.

Frank E. Britton to be postmaster at Jonesboro, Tenn., in place of Frank E. Britton. Incumbent's commission expired May 7, 1910.

TEXAS.

Jeff D. Burns to be postmaster at Tyler, Tex., in place of Jeff D. Burns. Incumbent's commission expires June 28, 1910.

Henry W. Derstiné to be postmaster at Merkel, Tex., in place of Henry W. Derstine. Incumbent's commission expired June 11, 1910.

Amangan B. McCloud to be postmaster at Tahoka, Tex. Office became presidential April 1, 1910.

Robert McKinnon to be postmaster at Thurber, Tex., in place of Robert McKinnon. Incumbent's commission expired April 25, 1910.

Hal Singleton to be postmaster at Jefferson, Tex., in place of Hal Singleton. Incumbent's commission expires June 28, 1910.

WASHINGTON.

John F. Niesz to be postmaster at Wapato, Wash. Office became presidential October 1, 1909.

Le Roy R. Sines to be postmaster at Chelan, Wash., in place of William M. Isenhart, resigned.

WEST VIRGINIA.

James S. Posten to be postmaster at Elkins, W. Va., in place of James S. Posten. Incumbent's commission expired January 23, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 20, 1910.

ASSISTANT TREASURER OF THE UNITED STATES.

Clarence C. Pusey to be assistant treasurer of the United States at Baltimore, Md.

COLLECTOR OF INTERNAL REVENUE.

Frederick L. Marshall to be collector of internal revenue for the third district of New York, in the State of New York.

UNITED STATES ATTORNEY.

John Rustgard to be United States attorney for the District of Alaska, division No. 1.

RECEIVER OF PUBLIC MONEYS.

Henry G. Guild to be receiver of public moneys at Vale, Oreg.

REGISTER OF THE LAND OFFICE.

Bruce K. Kester to be register of the land office at Vale, Oreg.

PROMOTIONS IN THE NAVY.

Boatswain Carston Nygaard to be a chief boatswain.

Boatswain Edward Allen to be a chief boatswain.

Gunners Emil Swanson, Charles J. Miller, and Kieran J. Egan to be chief gunners.

Carpenter Timothy S. Twigg to be a chief carpenter.

Lieut. Robert W. Henderson to be a lieutenant-commander.

Boatswains Owen T. Hurdle, George E. McHugh, and Arthur D. Warwick to be chief boatswains.

Midshipman Guy K. Calhoun to be a professor of mathematics.

Ensign Isaac F. Dortch to be a lieutenant (junior grade).

Gunners William T. Baxter, William H. Leitch, and Franklin Heins to be chief gunners.

The following-named midshipmen to be ensigns:

Edmund R. Norton,
George W. Struble,
Andrew W. Carmichael,
Richmond K. Turner,
Alexander M. Charlton,
John W. Rankin,
Henry F. D. Davis,
Kirkwood H. Donavin,
Oscar Smith, jr.,
Paul L. Holland,
Henry T. Markland,
William R. Smith, jr.,
William W. Turner,
Joseph J. Broshek,
Richard C. White,
Frank J. Wille,
Haller Belt,
Eugene E. Wilson,
Abel T. Bidwell,
Harold W. Boynton,
Rensselaer W. Clark,
Walter K. Kilpatrick,
Elwin F. Cutts,
Edward J. Foy,
Edward H. Loftin,
Harry B. Hird,
Boyce K. Muir,
Nelson W. Pickering,
James L. Oswald,
Clyde G. West,
Charles A. Harris,
Richard C. Saufley,
Norman R. Van der Veer,
David C. Patterson, jr.,
Harry M. Hitchcock,
Francis W. Rockwell,
Sidney M. Kraus,
Charles C. Ross,
John E. Iseman, jr.,

Howard M. Lammers,
Archer M. R. Allen,
Howard H. Crosby,
William C. Owen,
Henry G. Taylor,
Francis T. Chew,
John W. Barnett, jr.,
John B. Staley,
Charles H. Davis, jr.,
Harrison E. Knauss,
Fred C. Beisel,
Clarence C. Thomas,
Albert M. Penn,
William F. Gresham,
Carl A. Schipfer,
Robert O. Baush,
Paul H. Bastedo,
Frank R. Berg,
Andrew D. Denney,
Charles M. Yates,
James C. Van de Carr,
John C. Cunningham,
Jabez S. Lowell,
Frank R. Smith, jr.,
Robert S. Young, jr.,
Dallas C. Laizure,
Hugh J. Knerr,
John R. Beardall,
Archibald H. Douglas,
Rufus King,
Maurice R. Pierce,
Owen St. A. Botsford,
William W. Wilson,
Victor D. Herbster,
William H. Pashley,
Fred T. Berry,
William R. Purnell,
Lee P. Warren,
Ernest F. Buck,
Charles M. James,
Ralph G. Walling,
John W. Du Bose,
Harry G. Donald,
John L. Schaffer,
Michael A. Leahy,
William H. Dague, jr.,
John H. Everson,
Henry D. McGuire,
John E. Meredith,
Robert R. M. Emmet,
Harold De F. Burdick,
Harry H. Forgus, and
Charles H. Stoer.

POSTMASTERS.

CALIFORNIA.

William T. Elliott, at Gonzales, Cal.

CONNECTICUT.

Henry Dryhurst, at Meriden, Conn.

KENTUCKY.

Lucien Joseph Bodkin, at Bardwell, Ky.
William H. H. Bowen, at Covington, Ky.
James K. Freeman, at Central City, Ky.
De Witt C. Tackett, at Wickliffe, Ky.

NEVADA.

Jay H. White, at Hawthorne, Nev.

OREGON.

Marion C. Gray, at St. Helen, Oreg.

PENNSYLVANIA.

William F. Elkin, at Jeannette, Pa.

SOUTH DAKOTA.

Joseph B. Binder, at Pierre, S. Dak.

TEXAS.

John J. Stevens, at San Antonio, Tex.
Henry Zweifel, at Granbury, Tex.

WASHINGTON.

Walter C. Frary, at Dayton, Wash.
C. W. Frederickson, at Waterville, Wash.

WEST VIRGINIA.

James S. Posten, at Elkins, W. Va.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 20, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Saturday, June 18, 1910, was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The business in order to-day under the rule is the consideration of the Unanimous Consent Calendar and suspensions. The Clerk will report the present bill on the Calendar for Unanimous Consent.

UNIVERSAL PEACE COMMISSION.

The first business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 223) to authorize the appointment of a commission in relation to universal peace.

The joint resolution was read, as follows:

House joint resolution 223.

Resolved, etc., That a commision of five members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman how much this is expected to cost?

Mr. BENNET of New York. It was not the idea of the Foreign Affairs Committee that it would be an expensive proposition. Their idea was that the commissioners would be men of such standing that they would not particularly care about salaries. The statute requires that some salary shall be paid to them, I think, but the idea was that it would not be expensive.

Mr. MANN. I notice the distinguished committee of which the gentleman is a member has just reported a bill for another commission, which will have very little to do, providing for a salary for each of the commissioners of $7,500 a year.

Mr. BENNET of New York. That is the boundary commission?

Mr. MANN. Yes.

Mr. SULZER. Does the resolution carry any appropriation?

Mr. BENNET of New York. None whatever.

Mr. SULZER. Is it the gentleman's idea that the adoption of this resolution will lighten the burdens of the taxpayers by saving some of the expenses of war in the future?

Mr. BENNET of New York. That is the idea.

Mr. SULZER. Then I am in favor of it, and hope it will be passed.

Mr. MANN. Is the gentleman in favor of an amendment limiting the expense to be authorized by the resolution?

Mr. BENNET of New York. What is the gentleman's idea of the expense?

Mr. MANN. The gentleman said there would be no expense.

Mr. BENNET of New York. Oh, no. I did not say that. I said the resolution carried no appropriation.

The SPEAKER. The Chair desires to state to the House that this may be the last unanimous-consent day during the session, and the last day on which suspension of the rules will be in order. Therefore order and attention are especially to be desired, so that business may be intelligently and promptly disposed of.

Mr. MANN. How much money does the gentleman think this will cost? It is a harmless looking resolution, but often they are most expensive.

Mr. BENNET of New York. I do not see how it could cost over $20,000.

Mr. MANN. I thought the gentleman was going to say $2,000.

Mr. BENNET of New York. Oh, no. The gentleman is disposed to be humorous.

Mr. FOSTER of Vermont. Will the gentleman yield?

Mr. BENNET of New York. Certainly.

Mr. FOSTER of Vermont. I should like to say just a word to the gentleman from Illinois upon this subject. The Committee on Foreign Affairs gave a hearing to some distinguished American citizens from New York, Philadelphia, Boston, and Virginia in connection with this resolution. Within two days one of these gentlemen called on me for the purpose of saying that while he did not think it compatible with the dignity of this Government to appoint this commission and then fail to make any appropriation for its expenses, nevertheless if the Congress of the United States in its wisdom saw fit to pass the resolution and to refuse to make any appropriation for

expenses the necessary funds would be forthcoming to enable the commission to do its work. So, Mr. Speaker, it seems to me that we ought to pass this resolution. Next winter or at any time hereafter we can determine whether we will make any appropriation for the expenses of the commission. We are assured, however, that if we do not see fit to make any appropriation the necessary funds will be provided.

Mr. MANN. Oh, but the gentleman has a resolution here authorizing the appointment of a commission, without limit of time or cost, and says that we can attend to that hereafter; but we all know that when a commission is organized and running we have got to make the appropriations to care for it, and that it is almost impossible to get rid of a commission when it is once created. The gentleman from New York himself is a good illustration of that.

Mr. BENNET of New York. What is the gentleman's idea of cost?

Mr. CLARK of Missouri. Mr. Speaker, I should like to suggest to the gentleman from Illinois and the gentleman from New York both that there is neither limit of time nor money on this thing.

Mr. MANN. That is what I stated.

Mr. CLARK of Missouri. I am as much in favor of establishing universal peace as any man living, but there ought to be a limit of time as to when this commission shall be gotten rid of, and there ought to be some reasonable limit to the amount of money it is going to spend.

Mr. MANN. Mr. Speaker, this matter of settling all the peace of the world, I think, is too important a matter to settle by unanimous consent of the House.

Mr. BENNET of New York. I hope the gentleman will not object. If the gentleman has any suggestion to make as to an amendment, I would be glad to go a long way to meet it.

Mr. MANN. How much money does the gentleman think would be necessary?

Mr. BENNET of New York. Let us make it three years and $10,000.

Mr. MANN. That will be satisfactory as far as I am concerned.

Mr. CLARK of Missouri. Ten thousand dollars a year?

Mr. BENNET of New York. No; three years and $10,000.

Mr. MANN. Insert at the end of the section:

Provided, That the total expense authorized by this joint resolution shall not exceed the sum of $10,000.

Mr. BENNET of New York. And that the commission shall report within three years.

Mr. CLARK of Missouri. Change that to two years, and I will agree to it.

Mr. BENNET of New York. All right.

Mr. MANN. And that the commission shall make final report within two years from the passage of the resolution.

Mr. BENNET of New York. That is right.

The SPEAKER. Is there objection?

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to submit a few remarks on this question.

The SPEAKER. The first question is whether there is objection. Is there objection?

There was no objection.

Mr. BENNET of New York. Mr. Speaker, I now offer the amendment which has been suggested by the gentleman from Illinois.

The Clerk read as follows:

Insert at the end of the resolution the following:

"*Provided*, That the total expenses authorized by this joint resolution shall not exceed the sum of $10,000, and that the commission shall be required to make its final report within two years from the date of the passage of this resolution."

Mr. BARTHOLDT. Mr. Speaker, this is a modification of a resolution I had the honor to introduce a few months ago. While I should have preferred the original text, I favor the resolution in its modified form. It merely provides for the appointment of a commission of five by the President and carries no appropriation, it being expected that the members of the commission are to serve without emolument. While the language of the resolution indicates the nature of the commission's inquiry, it leaves the door wide open for any recommendations it may see fit to make to Congress. It does not commit the Congress to any specific policy, but its intent and purpose are strongly expressive of the general desire for the establishment of a condition of peace based on law rather than force, on right rather than might, and of the common hope that the several nations may, by binding agreements, so regulate their relations as to render unnecessary any further increase of their vast military and naval establishments, and thus to relieve the people of a tremendous burden.

It is quite natural, Mr. Speaker, that many methods should be proposed to accomplish this great purpose. There are those who demand immediate disarmament, or at least a reduction of armaments by international agreement. We have seen in the first Hague conference that the powers are unwilling to make concessions in this direction for reasons which are obvious and now known to all. Then there are those who believe that by a simple understanding, say, between the United States, Great Britain, and Germany, to settle their own differences by arbitration, and simultaneously to enforce the peace of the world by their combined superior power, the era of brute force may be forever terminated. I myself believe this to be the case, yet I can see how it would be much more preferable to place this new order of things upon a larger foundation, namely, upon a basis of law acquiesced in and supported, not by a few, but by all the governments.

The greatest achievement of the present generation was the establishment of the high court of nations at The Hague. That tribunal will grow in influence and dignity as the governments, by the force of public opinion, will become more and more accustomed to resort to it. But now it is necessary to go a step further. It has been justly said that there is no power in existence to enforce the judgments of an international court, and, consequently, that there is now no analogy between national and international law. Here, then, is a defect which must be corrected, and therefore the efforts of all friends of arbitration are now directed toward correcting it. It is true that practical experience has shown such force behind international law to be unnecessary, for all the hundreds of arbitration verdicts have so far been accepted without protest, but while this proves the tremendous force of moral sentiment, the world has no guarantee that some day some nation may not refuse to bow to the judgment of that court. And this points to the necessity of an international police force, to be maintained by the combined nations and supplied by them in proportion either to their population or, better still, to the volume of their international commerce. The work of world organization or world federation was auspiciously begun by the creation of the Hague court, and we do not propose to have it stop there, but must insist that modern conditions which impress all with the absolute interdependence of nations imperatively demand its early completion.

I should like to speak more at length on this subject, which, to my mind, is more vital to the welfare of the people than any other, and more directly connected with the question of the high cost of living than any other, but time will not permit. Let us, by the passage of this resolution, declare that the American Congress is anxious to learn what further steps should be taken to relieve the people of military burdens and of the uncertainty of what is called peace, but what in reality is but an armistice, and let us reaffirm our faith in America's leadership in this great cause. I hope the resolution will be passed without a dissenting vote.

Mr. BENNET of New York. Mr. Speaker, the resolution just passed is the greatest step forward ever taken by a legislative body toward world-wide peace. I hope that it will become law at this session. The gentleman from Missouri [Mr. BARTHOLDT], the recognized leader here in peace movements, is especially to be congratulated on this result of his past work.

I am informed that the movement has already received attention abroad and that the British cabinet has announced its sympathy with the movement. The announcement was made in the House of Commons in answer to a question. In view of the importance of the subject I shall insert in the RECORD the report of the committee.

[House Report No. 1440, Sixty-first Congress, second session.]

UNIVERSAL PEACE.

The Committee on Foreign Affairs, having had under consideration House resolution 553, House concurrent resolution 36, and House concurrent resolution 45, introduced by Mr. BENNET of New York, and House joint resolution 187, introduced by Mr. BARTHOLDT, report in lieu thereof the joint resolution reported herewith.

The committee is of the opinion that universal peace being an end most earnestly to be sought, our country, with its great resources and wealth, with no foreign enemies or entanglements, and with none but disinterested motives, might well take a decided step in favor of universal peace.

Further reasons for this joint resolution and in part explaining its form are contained in the attached remarks of former President Roosevelt at Christiana, and of Representatives FASSETT and BENNET of New York, in the House of Representatives on March 30, 1910, and the article by Hamilton Holt, esq.

[Extract from Mr. Roosevelt's speech.]

CHECK GROWTH OF ARMAMENT.

In the third place, something should be done as soon as possible to check the growth of armaments, especially naval armaments, by international agreement. No one power could or should act by itself; for it is eminently undesirable, from the standpoint of the peace of righteousness, that a power which really does believe in peace should place itself at the mercy of some rival which may at bottom have no such belief and no intention of acting on it.

But, granted sincerity of purpose, the great powers of the world should find no insurmountable difficulty in reaching an agreement which

would put an end to the present costly and growing extravagance of expenditure on naval armaments. An agreement merely to limit the size of ships would have been very useful a few years ago, and would still be of use; but the agreement should go much further.

Finally, it would be a master stroke if those great powers honestly bent on peace would form a league of peace, not only to keep the peace among themselves but to prevent, by force, if necessary, its being broken by others. The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power—of any police to enforce the decrees of the court.

In any community of any size the authority of the courts rests upon actual or potential force; on the existence of a police, or on the knowledge that the able-bodied men of the country are both ready and willing to see that the decrees of judicial and legislative bodies are put into effect. In new and wild communities where there is violence an honest man must protect himself; and until other means of securing his safety are devised it is both foolish and wicked to persuade him to surrender his arms while the men who are dangerous to the community retain theirs. He should not renounce the right to protect himself by his own efforts until the community is so organized that it can effectively relieve the individual of the duty of putting down violence.

FORCE BEHIND PEACE.

So it is with nations. Each nation must keep well prepared to defend itself until the establishment of some form of international police power, competent and willing to prevent violence as between nations. As things are now, such power to command peace throughout the world could best be assured by some combination between those great nations which sincerely desire peace and have no thought themselves of committing aggressions.

The combination might at first be only to secure peace within certain definite limits and certain definite conditions; but the ruler or statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of all mankind.

[Remarks of Representatives FASSETT and BENNET of New York.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I am one of those who, as in previous years, will vote for the naval programme as reported by the committee. As was said by my eloquent and distinguished colleague [Mr. FASSETT] two years ago, it is more or less of a guess. We may not need the two ships, and we may need them, and I prefer to guess in favor of the maintenance of an adequate protection for peace.

I am in sympathy, in a way, with the spirit of the resolution of the gentleman from Alabama; but I do not think, as drafted, it accomplishes anything at all. Possibly when this bill reaches a time for a vote we will be confronted with a great opportunity. Our great free Nation has at present no menace of antagonisms. We have a navy within our means; we are not pressed as to resources, and the whole world knows it. We are reaching out for the territory of no other nation, and the whole world knows that. We are the only nation that, in the last century at least, has fought a war entirely and alone in the name of humanity. That gives us the right to say to all the world, "Let us have peace," and to pass such legislation as will bring the day of universal peace nearer. Therefore I propose, Mr. Chairman, when the proper opportunity arises, to offer as a substitute to the bill this as a concurrent resolution:

"Resolved by the House of Representatives (the Senate concurring), That the President of the United States be respectfully requested to consider the expediency of calling an international conference for the purpose of considering the possibility of limiting the armament of the nations of the world by international agreement."

[Loud applause.]

I do not wish the introduction of that amendment or the advocacy of it here now to be construed as a wavering on my part at all toward the policy that this administration is pursuing, and that the preceding administrations have pursued, of maintaining an adequate defense. But the time will come when the great, growing, excessive cost of navies, the burdens of which are greater on other nations than on ours, will cause the whole civilized world to pause, will cause even the most enthusiastic to count the cost. Why can not we this day in Congress, in a time of profound peace, start the movement from the greatest capital of the greatest nation in all the world? [Loud applause.]

Mr. MANN. I yield five minutes to the gentleman from New York.

Mr. FASSETT. Mr Chairman, I doubt if I shall take five minutes. I am very much pleased with the scope and purpose of the amendment proposed by the gentleman from New York. It is a good move, a move which I hope will blossom into great results. It is a move to propose a mutual disarmament. This world is growing, and has been growing, armament mad. Ten years ago it cost us in the United States 50 cents apiece a year for our naval insurance. It has cost us an increase of 30 per cent every year for the last twenty or thirty years. At that rate of increase our own naval insurance costs us now $1.50 apiece for every one of the 90,000,000 people in this country, and in thirty years it will cost us nine times that. So that in thirty years, if we keep on in this mad race, it will cost us over $1,250,000,000 a year to keep up what the gentleman from Alabama so correctly and enthusiastically describes as an equilibrium. It is too bad an equilibrium can not be maintained at a lower scale and on a cheaper basis. I am not one of those who believe that unarmed justice ever gets full respect at the hands of individuals or of nations; but I do believe that this country is the one country that can well afford to stop this expensive, this extravagant, this wasteful, this wicked game of international bluff. [Loud applause.] I think if necessary we should make an end of this game of bluff. If England builds 10 great *Dreadnoughts*, or Germany 12, or Japan 6, why, then, let us build 10, 12, or 20. This is apparently a game of mere war with dollars. If it is only a question of the incarnate use of the national resources, then I would be in favor, if we can not lead the nations of the world in any other way to peace, to absolutely stupefy them with our efforts and bluff the balance of the world by what must be conceded is a startling suggestion of what we really could do if we succumbed to the lust of the game for monstrous armaments.

I would bring a resolution into this House giving every one of our 46 States, each one a rich nation in itself, permission to build, equip, and maintain a *Dreadnought* of the first class, and every ship that should go with her. Forty-six States are able to do that, and if that is necessary to purchase peace for the world, it might be cheap at that.

But we are going forward into extravagance at such a rate that peace will soon become more expensive than war; and the gentleman from Alabama [Mr. HOBSON] may well consider whether he is not pointing us to a pathway the utter extravagance of which will make war inevitable, necessary, and universal, which will endure and harrow us and all the world until we have punished ourselves into a proper humility of mind so that all nations may come back to the only solvent of international and personal problems ever yet enunciated on earth, and attempt to live according to the old moral precept "Therefore all things whatsoever ye would that men should do to you, do ye even so to them." [Applause.]

For, after all, the solution is to be from a light within rather than from a *Dreadnought* from without.

[Hamilton Holt, managing editor the Independent.]

THE FEDERATION OF THE WORLD.

There is now pending before Congress a bill introduced by Mr. BARTHOLDT, of Missouri, providing for the appointment of a commission to visit the chancelleries of the world and report back to Congress articles of world federation, limited to the maintenance of peace, so that our recommendations to the Third Hague Conference of 1915 may be well-considered and far-reaching. This bill is indorsed by the New York Peace Society, the International School of Peace, of Boston, and the New England Arbitration and Peace Congress, held at Hartford, Conn., on May 11. If passed, it will be the first time in history that a government has officially recognized that the true philosophy of the peace movement requires world federation as a prerequisite for universal peace.

In his famous essay, "Perpetual peace," published in 1795, Emanuel Kant declared that we can never have universal peace until the world is politically organized, and it will never be possible to organize the world politically until the majority of the nations have a representative form of government. At last all the peoples of the world have achieved in some measure representative government. Russia has its Duma; China has announced that shortly it will promulgate a constitution, while Turkey and Persia have each just gone through the throes of revolution and emerged with a vigorous parliament. If Kant's philosophy is sound, therefore, the world is at last ready for world organization and universal peace.

The only two powers that ever have or ever can govern human beings are force and reason—war and law. If we do not have one, we must have the other. The problem before the world is how to decrease the area of war and increase the area of law until war vanishes and law envelopes the world. At the present moment the world is organized into 59 nations claiming independence, and within their territories—nominally at least—organization, law, and peace prevail. We have already learned to substitute law for war in cities and States, and even up to the 59 nations; but in that international realm over and above each nation in which each nation is equally sovereign, the only way at the present moment for a nation to secure its rights is by the use of force. Force, therefore, or war as it is called when exerted by a nation against another nation, is at present the only legal and final method of settling international differences. In other words, the nations are in that stage of civilization to-day where without a qualm they claim the right to settle their disputes in a manner they would put their own subjects to death for imitating. The peace movement, therefore, is nothing but the process of substituting law for war.

But how can we best create law in the international realm? Certainly not by the cumbrous methods of the present. To-day there is no such thing as a code of international law which is binding on the nations. What passes under the name of international law is simply a series of arguments, maxims, precedents, and opinions. It is the work not of legislators, but of scholars. The nations are at perfect liberty to accept it or reject it, as they wish. Before we can have a real international law we must have behind it some conscious political organization to give it sanction and validity, and that implies a federation of the world.

The history of international law presents striking analogies to the history of private law. Likewise, the history of the organization of the "united nations," which gives the sanction to international law, will correspond to the history of the organization of the 13 American colonies into one nation. The United States, therefore, furnishes the model for the united nations. The Declaration of Independence foreshadows the declaration of interdependence.

The beginnings of the world organization, however, have already taken place. In The Hague court and the recurring Hague conferences we see the germs of the international court and the parliament of man. The problem is how to develop these so that they will become the judicial and legislative departments of a powerful world constitution, just as our Articles of Confederation and Continental Congress developed into the present United States Constitution, which a century of storm and stress has not broken and which still serves as a model to all the republics of the earth.

A careful study of existing arbitration treaties and of the work of the First and Second Hague Conferences shows that our international law is at the same stage of development as private law of about the tenth century, while the organization of the "united nations" has reached the same stage of progress that our 13 States did before the Constitutional Convention of 1787.

The problem, therefore, before the world is to perfect The Hague courts and conferences so that finally, if it be deemed necessary, we may even add a world executive, and thus create the united nations in the very image of the United States.

The peace advocates from Penn and Kant and Hugo and Burritt down to HALE and BARTHOLDT and Carnegie have long realized that world federation is the key to peace and disarmament. Even Mr. Roosevelt in his remarkable Nobel peace address the other day at Christiania goes so far as to urge a "league of peace" to abolish war, paradoxically, by force if necessary. The governments themselves, however, have not yet officially recognized that world organization is the goal of international effort, though they have unconsciously and inevitably been driven much faster and farther along this path than they realize. The passage of the Bartholdt bill, however, will remedy this. The creation of a world federation commission would guarantee to our own people as well as to the peoples of the world that the United States is in earnest and ready to take the lead in the only practical and promising method of obtaining international peace.

It seems the destiny of the United States to lead in the peace movement. The United States is the world in miniature. It is a demonstration that all the races of the world can live in peace under one government and its chief value to civilization is a demonstration of what this form of government is. We have settled more disputes by arbitration than any other nation. In all history no men have done more to spread the gospel of peace than the two Pennsylvanians, William Penn and Benjamin Franklin. David Low Dodge, of New York, in 1815 founded the first peace society of the world. Two generations

ago Elihu Burritt and a dozen others in New York and New England went up and down this country, and even over to Europe, urging and prophesying the formation of an international court which Burritt declared when it came into existence "would constitute the highest court of appeals this side the bar of eternal justice." Coming down to more recent times it is probably a fact that the late Frederick W. Holls, of New York, had more to do with the establishment of the Hague court than any one else, while Mr. Carnegie has given it a palace in which it shall hereafter sit. The United States took the first case to the Hague court that ever came before it, and the American minister at Venezuela sent the second case there, which brought all the great powers before its bar, and established it in the estimation of civilization.

Mr. Bartholdt was the first man who ever stood up in a national parliament and suggested turning the Hague Conference into a real international parliament. Elihu Root planned the idea of having the Second Hague Conference create a world court modeled after the United States Supreme Court, and now Secretary Knox has announced its early establishment. President Roosevelt's Christiania address is nothing else than a plea for the federation of the world. Not since the "Great Design" of Henry IV of France, proposed in 1602, has one who has represented a great people ever promulgated so comprehensive a plan for universal peace. Does not the last sentence of Mr. Roosevelt's address indicate that he would feel compelled to accept an appointment on the commission if Mr. Bartholdt's bill becomes a law? He says: "But the ruler or statesman who should bring about such a combination (league of peace) would have earned his place in history for all time and his title to the gratitude of all mankind."

If the world federation commission is appointed by the United States Government with Theodore Roosevelt as chairman, can anyone believe that the day will not be brought measurably nearer, when, as Victor Hugo prophesied in 1849, "the only battlefield will be the market opening to commerce and the human mind opening to new ideas."

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ST. JOHNS COLLECTION DISTRICT, FLORIDA.

The next business on the Calendar for Unanimous Consent was the bill S. 4711, changing the name of St. Johns collection district, in the State of Florida, to the Jacksonville collection district.

The Clerk read the bill, as follows:

Be it enacted, etc., That the name of the collection district in the State of Florida now known as the St. Johns collection district be, and the same is hereby, changed to the Jacksonville collection district.

Mr. CLARK of Missouri. Mr. Speaker, all that this bill does is to change the name of the St. Johns collection district, in Florida, to the Jacksonville collection district. The reason is that Jacksonville has grown so large in recent years that it is the most important place in Florida.

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

ADDITIONAL DEPUTY MARSHALS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25192) to amend section 11, act of May 28, 1896.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after July 1, 1910, section 11 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, approved May 28, 1896, be, and the same is hereby, amended by striking therefrom the words "three-fourths of" as appearing in the seventh and eighteenth lines of said section 11.

That section 11 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, approved May 28, 1896, be, and the same is hereby, amended to read as follows:

"SEC. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such district, who shall be known as field deputies, and, who, unless sooner removed by the district court as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive the gross fees, including mileage, as provided by law, earned by him, not to exceed $1,500 per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided further*, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than the gross fees earned by such field deputy. The marshal, immediately after making any apointment or appointments under this section, shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment as the public interest may require."

This act to take effect from and after July 1, 1910.

Mr. MANN. Reserving the right to object, Mr. Speaker, this bill seems to be for the purpose of increasing the pay of deputy marshals. Just what is the necessity for that?

Mr. BRANTLEY. The only purpose of this bill and the only change it makes in existing law is to strike out the words "three-fourths of the fees" and allow these special deputies to receive full fees that are prescribed by law. The existing law fixes special fees for these United States deputy marshals, with a limitation that they shall not receive more than $1,500 a year. The pending bill does not remove that limitation of $1,500, but allows them to receive the full fees that are fixed by law. The Attorney-General has ascertained and recommended to Congress this provision. It developed that it is necessary to send one of these men into some remote locality, and a small compensation of three-quarters of the fees is not sufficient compensation to get men to go.

Mr. MANN. Let us see. Under the pending law a deputy can be appointed, and he gets three-quarters of the total fees earned, including mileage, and $2 a day besides. It seems to me that that is doing pretty well. The gentleman now proposes to give him the entire fees earned, including the mileage, and $2 a day besides.

Mr. BRANTLEY. But the limitation that he shall not receive more than $1,500 in one year still remains. The present limitation was put there in order that the other one-quarter of the fees could go for the compensation of the marshal of the district, but since that law was enacted all that has been changed and this only applies to special deputy marshals. The gentleman will find the letter of the Attorney-General attached to the report, and the report was unanimous. It was recommended by the department and incorporated into the law by a unanimous report of the committee.

Mr. MANN. I understand the original one-quarter was to save the Government and help pay the office expenses of the marshal, but this proposition is to pay to the deputy marshals all the fees they earn and $2 a day besides and have the Government pay the entire expense of the office. I do not think a thing of that sort ought to go through by unanimous consent.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House 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.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17500) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to 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, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. PAGE, and Mr. OWEN as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

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

H. R. 22642. An act to authorize the Secretary of the Interior to sell a portion of the unallotted lands in the Cheyenne Indian Reservation, in South Dakota, to the Milwaukee Land Company for town-site purposes;

H. R. 25822. 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. 18700. An act to prevent the dumping of refuse material in Lake Michigan at or near Chicago;

H. R. 24375. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906;

H. R. 18166. An act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States;

H. R. 26187. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 25773. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bill of the following title:

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

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 18166. An act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

LOSSES TO CERTAIN CITIZENS AT APIA, SAMOAN ISLANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 7158) authorizing and directing the Department of State to ascertain and report to Congress damages and losses sustained by certain citizens of the United States on account of the naval operations in and about the town of Apia, in the Samoan Islands, by the United States and Great Britain, in March, April, and May, 1899.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State be, and he hereby is, authorized and directed to ascertain the amounts due, if any, respectively, to American citizens on claims heretofore filed in the Department of State growing out of the joint naval operations of the United States and Great Britain in and about the town of Apia, in the Samoan Islands, in the months of March, April, and May, 1899, and covered by the provisions of the "Convention between the United States, Germany, and Great Britain relating to the settlement of Samoan claims," concluded November 7, 1899, and the decision thereunder by His Majesty, Oscar II, King of Sweden and Norway, given at Stockholm, October 14, 1902, and report the same to Congress.

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

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

SAVANNA COAL COMPANY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17560) granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, under rules and regulations to be prescribed by him, shall grant to the Savanna Coal Company the right to add to its existing coal lease, within the area of the segregated coal and asphalt lands, an additional acreage of 200 acres of land adjoining said lease and described as follows: North half of the northwest quarter of section 16; north half of the southeast quarter of the northwest quarter of section 16; north half of the northwest quarter of the southwest quarter of section 16; west half of the southeast quarter of section 17; all in township 4 north, range 14 east of the Indian base and meridian.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I desire to ascertain the reason why this company should be granted this privilege.

Mr. BURKE of South Dakota. Mr. Speaker, I will yield to the gentleman from Oklahoma [Mr. CARTER] to explain the bill.

Mr. CARTER. This company had a lease of about 130 acres——

Mr. STAFFORD. So the report discloses.

Mr. CARTER. All of that coal has been worked out, and the only way the other coal can be worked is through the same openings. All this company desires to do now is to have additional land upon the same terms that they had before—that is, to pay 8 cents per ton for all the coal mined.

Mr. STAFFORD. Why should this privilege be granted to this company in exclusion of the public generally? What right has this company to this prior claim to these 200 additional acres?

Mr. CARTER. It has this right—that it has developed and worked out the small lease which it had of 125 acres which could not be leased to any other person, and that mine will be abandoned. If it is abandoned the openings will fill up with water and the balance of the coal contiguous to that will be ruined and the Indians probably would get nothing for it. This is simply a proposition to allow them to mine the coal through these same openings and pay the Indians the same royalty that they have been paying for the other coal.

Mr. STAFFORD. Is the royalty the same that is paid generally for mining on the Indian lands through that district?

Mr. CARTER. Yes.

Mr. STAFFORD. Is there any demand from other people to mine this coal on this tract?

Mr. CARTER. No; there is no demand whatever.

Mr. STAFFORD. Then, Mr. Speaker, I withdraw the objection with that explanation.

The SPEAKER. The Chair hears no objection.

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

NATIONAL BANKING ASSOCIATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3659) amending section 5 of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That when any national banking association has amended its articles of association as provided in this act, and the comptroller has granted his certificate of approval, any shareholder not assenting to such amendment may give notice in writing to the directors, within thirty days from the date of the certificate of approval, of his desire to withdraw from said association, in which case he shall be entitled to receive from said banking association the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by such shareholder, one by the directors, and the third by the first two; and in case the value so fixed shall not be satisfactory to any such shareholder, he may appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value fixed by said committee, the bank shall pay the expenses of said reappraisal, and otherwise the appellant shall pay said expenses; and the value so ascertained and determined shall be deemed to be a debt due, and be forthwith paid, to said shareholder from said bank; and the shares so surrendered and appraised shall, after due notice, be sold at public sale within thirty days after the final appraisal provided in this section: *Provided*, That in the organization of any banking association intended to replace any existing banking association the holders of stock in the expiring association shall be entitled to preference in the allotment of the shares of the new association in proportion of the number of shares held by them, respectively, in the expiring association."

The committee amendment was read, as follows:

Strike out the word "of" when it first occurs in line 23, page 2, and insert in lieu thereof the word "to."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. DOUGLAS. Mr. Speaker, reserving the right to object, I would like to ask the author of this bill what change does this make in the present law?

Mr. MCCREARY. I will refer the gentleman to Mr. LOWDEN, who is the author of the bill.

Mr. LOWDEN. The only change which it makes in existing law is that it strikes out the words "and retaining the name thereof" in the proviso.

Mr. DOUGLAS. That is, retaining the name of the bank?

Mr. LOWDEN. Yes; and we simply seek to restore the original intention of the law, which has been in some instances evaded. It was intended by Congress, evidently, that the good will should go to all the stockholders of the bank when the charter is renewed.

Section 5 of the act of July 12, 1882, contains this provision:

Provided, That in the organization of any banking association intended to replace any existing banking association, and retaining the name thereof, the holders of stock in the expiring association shall be entitled to preference in the allotment of the shares of the new association in proportion to the number of shares held by them, respectively, in the expiring association.

My amendment, in effect, simply strikes out the words "and retaining the name thereof." My attention was called to this by information that certain banks, when their charters expired, instead of applying for a renewal of the charter, voted to liquidate. Of course in this liquidation the good will of the bank, one of its most valuable assets, was lost, so far as the minority stockholders were concerned. On the other hand, the majority stockholders, immediately after such liquidation, in some instances have applied for a new charter, thus receiving the entire benefit of the good will of the bank, which was lost, so far as the minority stockholders were concerned. In many cities and towns the good will of the bank is represented rather by the officers than by the name, and by organizing the new bank with a substantially new name they thus escape all responsibility to the minority stockholders. In defense of this it is argued by some bankers that this minority stock is owned by widows and heirs of original stockholders who are of no benefit to the bank in the way of accounts, loans, and so forth.

As stated by the chairman of the committee who reported this bill, "it may be desirable for the bank to have these shares transferred to the hands of men active in business, who can be

of greater assistance to the institution. But the fair way would be to secure their stock by purchase rather than to freeze them out in the way that is sometimes practiced under existing law."

To illustrate: A number of men organize a national bank. During the early years of the bank progress is usually slow. These men, however, persist and build up a successful institution. Under the law the charter of the bank runs but twenty years. Before the expiration of that time it may be that some of the men die and leave their shares to their families, believing this to be a safe investment. These may be the very men who contributed most to the building up of the business of the bank. A vote may be had of the stockholders toward the end of the twenty-year term, at which a minority, represented usually by women and minors, may vote to ask for a renewal of the charter. The majority, however, comprising most of the officers of the bank, may vote to liquidate. On the very next day, under existing law, these men may organize a new bank, with a somewhat different name and with substantially the same officers, which, in effect, receives all the good will of the old bank. This deprives the minority of their interests in this good will, which often is one of the most valuable assets of the bank. This is not fair, and I hope that my amendment will be adopted, so that all the stockholders who have contributed to the good will of the bank may share equally in that good will.

Mr. DOUGLAS. Of course, now, when the new bank is established they change their names and numbers.

Mr. LOWDEN. Yes.

Mr. DOUGLAS. Why not enable them to keep the same number? It would be of great benefit to the banks and convenience of the Treasury Department, if you could provide for a renewal of the charter and give it the same number as the old bank.

Mr. LOWDEN. I think there are cases where there is a proper renewal of the charter, and they do not involve the evil this bill is intended to correct. Now, under the terms of the law as it stands, the majority stockholders of the old bank, when they want to freeze out the minority of their share of the good will, vote to go into liquidation, though the minority wishes to join with the majority in an application for a renewal of the charter. By a renewal of the charter, all the stockholders get the advantage of the good will they have built up.

Mr. DOUGLAS. That is the change by this amendment.

Mr. LOWDEN. Yes; and nothing else.

Mr. DOUGLAS. The minority have the right to subscribe to their stock.

Mr. LOWDEN. Yes; it is a very desirable amendment and reported unanimously by the committee.

Mr. DOUGLAS. I withdraw my objection.

The SPEAKER. The Chair hears no objection.

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

SALARIES IN THE AGRICULTURAL DEPARTMENT.

The next business on the Calendar for Unanimous Consent was House resolution 735, providing that a letter from the Secretary of Agriculture, dated January 19, 1910, be not printed.

The resolution was read, as follows:

House resolution 735.

Resolved, That the letter from the Secretary of Agriculture, dated January 19, 1910, transmitting a statement of appointments, promotions, and other changes in salaries paid from the lump sums for the calendar year 1909, and ordered to be printed as a public document, be not printed.

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

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

ADDITIONAL JUDGE, NEW YORK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20148) to provide for an additional judge of the district court for the eastern district of New York.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. MORSE. I object.

Mr. SULZER. Mr. Speaker, I hope the gentleman will withdraw that objection. This is a very important bill, and of great interest to the people in the city of New York. I hope the gentleman will withdraw the objection. We need an additional judge there. The calendars are much behind and it takes years to reach and try a case. These delays are really a denial of justice.

The SPEAKER. So far as the Chair can notice, the gentleman from Wisconsin [Mr. MORSE], who made the objection, seems to have retired.

Mr. SULZER. He ought to be retired permanently for that objection. [Laughter.]

PNEUMATIC TUBES AT CINCINNATI, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25925) authorizing the Postmaster-General to advertise for the construction of pneumatic tubes in the city of Cincinnati, State of Ohio.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster-General is hereby authorized to advertise for the construction of double lines of pneumatic tubes, 30 inches in diameter and not exceeding 1 mile in length, in the city of Cincinnati, Ohio, and to enter into contract for the operation of the same for the transmission of the mails, at a rate not exceeding $17,000 per mile per annum, until June 30, 1916: *Provided*, That no contract shall be entered into until the proposed lines shall have been operated for mail purposes in a satisfactory manner for six months, without cost to the Government.

The SPEAKER: Is there objection?

Mr. BOOHER. I object.

Mr. COX of Indiana. I hope the gentleman will withdraw that objection until he understands the bill.

The SPEAKER. The gentleman declines to withdraw the objection.

TRANSPORTATION OF DUTIABLE GOODS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13448) amending the statutes in relation to the immediate transportation of dutiable goods and merchandise.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be, and the same is hereby, amended by adding in sections 1 and 7 of said act the words "New London, Conn.," after the word "Maine" where it occurs in said act.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof as follows:

"That the privileges of the first section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to the port of New London, in the customs district of New London, Conn."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

NAVIGABLE WATERS WHOLLY WITHIN CITY LIMITS.

The next business reported from the Calendar for Unanimous Consent was the bill (S. 6118) to confer upon state and municipal authorities certain powers with respect to navigable waters wholly within city limits.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the substitute be read instead of the bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the consent of Congress is hereby given to the city of New York, in the State of New York, to obstruct navigation of any river or other waterway which does not form a connecting link between other navigable waters of the United States, and lying wholly within the limits of said city, by closing all or any portion of the same or by building structures in or over the same when the said city shall be lawfully authorized to do so by the city of New York: *Provided, however*, That any such obstruction or any modification of any approved plans therefor shall be unlawful unless the location and plans for the proposed work or works before the commencement thereof shall have been filed with and approved by the Secretary of War and Chief of Engineers; and when the plans for any such obstruction have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after the completion of such obstruction, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War: *And provided further*, That the city of New York shall be liable for any damage that may be inflicted upon private property by reason of any of the provisions of this act.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the city of New York, or to the owner or owners, or any other persons interested in any obstruction which shall have been constructed under its provisions."

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, it is evident that this is aimed at some specific work which is already in contemplation. I would like to have the gentleman from New York tell us what it is.

Mr. CALDER. It is to take in several little streams which extend miles into the city limits. It is proposed to fill up those streams for the purpose of extending our sewer system and building our roads. It is recommended by the city authorities and all our authorities.

Mr. COOPER of Wisconsin. I could not get a copy, and as I understand from the reading it relates only to navigable waters which connect with other navigable waters.

Mr. CALDER. That is correct.

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

Mr. CALDER. I desire to offer an amendment.

The SPEAKER. Without objection, the committee amendment will be agreed to.

Mr. MANN. This is an amendment to the committee amendment to correct an error in printing.

The Clerk read as follows:

On page 2, line 20, strike out the word "city" and insert the word "State," and in line 21 and line 22 strike out the words "or any modification of any approved plans therefor."

The amendments were agreed to.

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

LETTER CARRIERS IN CERTAIN POST-OFFICES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23314) to authorize the employment of letter carriers at certain post-offices.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter when two or more post-offices situated within the corporate limits of any city, village, or borough are consolidated by authority of the Postmaster-General, and the said offices together produced a gross revenue for the preceding fiscal year of not less than $10,000, letter carriers may be employed for the free delivery of mail matter in like manner as if any one of such post-offices had produced such revenue in said fiscal year.

The SPEAKER. Is there objection?

There was no objection.

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

STOCKTON AND EASTERN RAILROAD COMPANY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26133) to authorize the Stockton and Eastern Railroad Company, a corporation organized under the laws of the State of California, to construct a bridge across the Stockton diverting canal, connecting Mormon Channel with the Calaveras River, in the county of San Joaquin, State of California.

The title of the bill was read.

Mr. MANN. Mr. Speaker, before the Clerk reads that, I ask unanimous consent to take from the Speaker's table a similar Senate bill and substitute it for the House bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table a similar Senate bill and to consider the Senate bill. Is there objection?

There was no objection.

The bill (S. 8697) was read, as follows:

Be it enacted, etc., That the Stockton Terminal and Eastern Railroad Company, a corporation organized under the laws of the State of California, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto, across the Stockton diverting canal, connecting Mormon Channel with Calaveras River, in the county of San Joaquin, in the State of California, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

Mr. MANN. I ask unanimous consent that the bill H. R. 26133, the corresponding House bill, lie on the table.

The SPEAKER. Is there objection?

There was no objection.

ST. MARYS AND KINGSLAND RAILROAD COMPANY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26349) to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across the St. Marys River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the St. Marys and Kingsland Railroad Company, a corporation organized under the laws of the State of Georgia, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Marys River at a point suitable to the interests of navigation, at or near a point about 1 mile west of the town of St. Marys, in the county of Camden, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; was accordingly read the third time and passed.

BRIDGE OVER MENOMINEE RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 7361) to give the consent of Congress to the building of a bridge by the cities of Menominee, Mich., and Marinette, Wis., over the Menominee River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress be, and is hereby, given to the cities of Menominee, in the State of Michigan, and Marinette, in the State of Wisconsin, to construct and maintain a bridge and approaches thereto over the Menominee River between the States of Michigan and Wisconsin, at a point suitable to the interests of navigation, in the vicinity of the existing drawbridge over said river extending from the foot of Main street in the city of Menominee, Mich., to the foot of Ogden street in the city of Marinette, Wis., in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the authority herein granted shall be null and void unless the actual construction of the bridge herein provided for shall be begun within three years and completed within five years from the date of the approval of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Strike out, on page 1, in line 5, the word "and," and insert after the word "maintain" the words "and operate," and insert a comma after the word "construct."

On page 2, strike out, in line 6, the word "three" and insert in lieu thereof the word "one," and strike out in line 7, page 2, the word "five" and insert in lieu thereof the word "three."

Mr. MANN. Mr. Speaker, there was an error in printing this bill, and I move to amend by striking out the proviso on page 2.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2 strike out the proviso.

The amendment was agreed to.

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

DAUPHIN ISLAND RAILWAY AND HARBOR COMPANY.

The next business on the Calendar for Unanimous Consent was the bill (S. 7908) to authorize the Dauphin Island Railway and Harbor Company, its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay, and to dredge the said Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin islands.

The Clerk read the title of the bill.

Mr. MANN. I ask unanimous consent that the substitute bill be read.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the substitute be read. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Dauphin Island Railway and Harbor Company, a corporation existing under the laws of the State of Alabama, be, and it is hereby, authorized to construct, maintain, and operate a railroad bridge or bridges and approaches thereto between the mainland at a point suitable to the interests of navigation at or near Cedar Point and Dauphin Island, both Little and Big, situated in Mobile County, State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the consent of Congress is hereby given that the said company may build and maintain wharves and docks from Little Dauphin Island, also from Big Dauphin Island, into the waters adjacent thereto, namely, Mobile Bay, Dauphin Bay, Mississippi Sound, and the Gulf of Mexico, at such points and in accordance with such plans as may be recommended by the Chief of Engineers and approved by the Secretary of War.

SEC. 3. That the consent of Congress is hereby further given that the said company may build, construct, or dredge a channel from the deep waters of Mobile Bay up to and into Dauphin Bay, cutting or dredging that certain portion of Dauphin Island necessary to construct a straight channel from the proper and most convenient point or points in said deep waters of Mobile Bay to and into Dauphin Bay; and that the consent of Congress is also given that the said company may construct or dredge a basin to the full extent of Dauphin Bay or any other part thereof, said bay lying between Little Dauphin and Big Dauphin islands; and that it may use the dredged material in filling, constructing, and reclaiming lands on or adjacent to Little Dauphin and Big Dauphin islands and that it may deposit same at other points which will not interfere with or endanger navigation: *Provided*, That the location, depth, width, and extent of said channel and basin shall be subject to the approval of the Chief of Engineers and the Secretary of War, and until approved by them the work of construction shall not be commenced: *And provided further*, That no portion of said dredged material shall be deposited in any navigable water until the place of deposit has been approved by the Chief of Engineers and the Secretary of War, and the deposit of said material in navigable waters shall at all times be subject to the control of said Chief of Engineers and Secretary of War.

SEC. 4. That this act shall not be construed as authorizing the invasion or impairment of the legal rights of any other person or corporation, nor as conferring any right, power, or privilege in conflict with, nor any infringement of, the laws of the State of Alabama; nor as authorizing the use or occupancy of any portion of the Fort Gaines Military Reservation, except in such manner as may be specifically recommended by the Chief of Engineers and approved by the Secretary of War.

SEC. 5. That the act approved February 5, 1906, entitled "An act to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island," is hereby repealed.

SEC. 6. That the consent hereby given shall be considered as withdrawn and deemed to be revoked if actual construction of the work described in sections 2 and 3 hereof be not commenced within two years and completed within five years from the date of the approval of this act.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I desire to ask the gentleman from Alabama [Mr. RICHARDSON], who made the report on this bill, to make a brief explanation of it.

Mr. STAFFORD. Mr. Speaker, in the absence of the gentleman from Alabama, who reported this bill, I will state that the subcommittee to which this bill was referred gave it very careful consideration and reported it in this form as a substitute.

Mr. MANN. How large are these two islands, Little and Big Dauphin islands?

Mr. STAFFORD. Dauphin Island is of considerable extent, situated just off the coast, and the purpose of this bill is to authorize the construction of bridges and also to grant to this company the right to fill in the shore property and dredge the marsh property so that boats can reach it. The rights of the Government, which has a post there, are properly conserved. If the gentleman noticed in the reading of the substitute, the interests of the Government are in every way protected. We are merely granting in this bill the consent of Congress to perform this work.

The real jurisdiction of the question of filling in the shore property belongs to the State, and Congress would have no right, as far as that is concerned, to interfere if it does not obstruct navigation.

Mr. COOPER of Wisconsin. Apparently Congress has some right to intervene or else this bill would not be here.

Mr. MANN. May I say to the gentleman from Wisconsin——

Mr. COOPER of Wisconsin. I would like to ask a question and then I will hear the gentleman from Illinois. This gives the right not only to the Dauphin Island Railroad Company, but also to its successors and assigns.

Mr. STAFFORD. If the gentleman will examine the substitute reported by the committee he will find that those words are omitted. The bill has two purposes. First, we authorize the construction of a bridge over these waters conformable to the general bridge act. No objection can be taken to that. Then we grant the consent of Congress to filling up the marshes and to the building of wharves.

Mr. COOPER of Wisconsin. It is proposed to give this company, its successors and assigns—the gentleman says those words are stricken out.

Mr. STAFFORD. Yes; in the substitute. We did not change the language of the title.

Mr. COOPER of Wisconsin. The committee struck them out in the body of the substitute, but left them in the title of the bill as if it were to give the railroad company the right to transfer it to the successors and assigns.

Mr. STAFFORD. The title would not confer that authority upon them.

Mr. MANN. The title of the bill ought to be amended.

Mr. COOPER of Wisconsin. The title ought to be amended, because it might allow an amendment to slip in unnoticed. This gives the corporation the right to build a bridge or viaduct, "or bridges" (in the plural), to bridge the channel between these two islands, and to construct and maintain docks and wharves.

It is perfectly apparent from this that the transportation company having the right to build these bridges to the island or islands, with the exclusive right to own wharves and docks, would have an absolute monopoly of transportation and all the facilities for transportation on these two islands. How far are these islands from the main city of Mobile?

Mr. STAFFORD. I can not give the gentleman that information.

Mr. COOPER of Wisconsin. I thought the gentleman said that the committee had made a careful examination of it.

Mr. TAYLOR of Alabama. It is about 35 miles from the city proper.

Mr. STAFFORD. We submitted this to the War Department, and we made the substitute more strict by granting the consent of Congress upon certain conditions and then reserving the right that it may at any time be revoked by Congress.

Mr. COOPER of Wisconsin. But the gentleman knows that it is not easy to enforce that provision.

Mr. STAFFORD. The plans and the work of construction is to be subject to the approval of the Chief of Engineers and the Secretary of War.

Mr. COOPER of Wisconsin. How far did the gentleman from Alabama say these islands were from the city proper?

Mr. TAYLOR of Alabama. They are located opposite Fort Gaines, and they are about 35 miles from the city proper of Mobile. There has been an attempt on the part of the owners of the Dauphin Islands to have the Government dredge out to the islands, but the Government refused to do it, because the Government has as much as it can do to carry on the present dredging in the channel from Mobile City to the outer bar beyond the Dauphin Islands.

Mr. COOPER of Wisconsin. How large are the islands?

Mr. TAYLOR of Alabama. They comprise 12 to 15 acres.

Mr. MANN. Will the gentleman from Wisconsin permit me to make this suggestion in reference to the matter?

The gentleman from Wisconsin knows that there has been talk about a company getting the right to build wharves and docks in Chicago and there has been some contest in reference to that. My sympathies have been on the side of the public in building the wharves and docks and not to permit private parties to build them. For that reason, and I suppose because that question was fresh in my mind, I gave special attention to the question as to whether the passage of this bill would in any way create a monopoly of dock and wharf facilities for Mobile, and I will say to the gentleman without question it will not.

Mr. TAYLOR of Alabama. It has nothing whatever to do with the facilities of Mobile proper or the general channel or harbor of Mobile.

Mr. MANN. This is for the purpose of developing a new place by a private company instead of having the Government expend its money to do it.

Mr. COOPER of Wisconsin. The suggestion of the gentleman from Illinois concerning some things that have happened in Chicago relates exactly to what I had in mind and which attracted my attention to this.

Mr. MANN. I fully appreciate the gentleman's position, and I had the same feeling about it.

Mr. COOPER of Wisconsin. A monopoly of wharves and docks by a railroad company gives it an absolute control of transportation in any port.

Mr. MANN. That is true, and if this did that I would not agree to it.

Mr. COOPER of Wisconsin. I do not want this, as far as I am concerned, to be considered as establishing a precedent that Congress is willing that railroad companies, generally speaking, shall construct wharves and docks and own them as their exclusive property in any port of the United States.

Mr. TAYLOR of Alabama. I want to say that I am in entire sympathy with the gentleman from Wisconsin, and would never have consented to this bill if it did that and if the bill as prepared by the present committee of the House had any such purpose as the gentleman suggests.

Mr. COOPER of Wisconsin. I can see how the transportation companies in Chicago have encroached on the river and wharf and dock facilities in that city. Near Madison Street Bridge, just south, they have cut one-third of the river off. I had a ride on a tugboat some time ago and saw how they were encroaching on the river. They will continue to encroach, I apprehend, unless some measures shall be taken. But when it comes to giving to a railroad company the exclusive right on these two islands they own to construct wharves and docks and own them, it will make the monopolization of transportation absolutely complete. But the gentleman from Alabama says this is 33 miles from the city proper——

Mr. MANN. We are giving them the right to construct docks on an island out in the Gulf where they never had a dock, and where——

Mr. HOBSON. Will the gentleman permit me to indicate on this sketch map where this is located?

Mr. COOPER of Wisconsin. I understand that these islands are only half a mile from the mainland, and I can see how under this bill the railroad company which owns them can exercise a tremendous influence over the business done by the city of Mobile. They are at the entrance of the harbor, 33 miles from the city proper, and 12 square miles in area. The company will own all the docks and wharves and the approaches——

Mr. MANN. They do not own everything.

Mr. COOPER of Wisconsin. And I simply can not consent——

Mr. HOBSON. Will the gentleman yield for a moment? It is 12 acres, not 12 miles. Will the gentleman let me point out to him just where this is located on the map, and I think his mental reservation will be withdrawn. Now, here is the main channel going into the harbor and just off here are these

two islands, very small islands; it is only about 10 or 12 acres——

Mr. COOPER of Wisconsin. But they can unload the ships before they get to the harbor and have a tremendous advantage over everybody else.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. I object.

BRIDGE ACROSS COLUMBIA RIVER, STATE OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 8316) authorizing the construction of a bridge across the Columbia River between the counties of Grant and Kittitas, in the State of Washington.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Northern Pacific Railway Company, or any railway corporation controlled by it, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River between the counties of Grant and Kittitas, in the State of Washington, at a point, suitable to the interests of navigation, in section 20, township 17 north, range 23 east, in accordance with the provisions of an act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to have some information regarding this bill.

Mr. MANN. This is one of the ordinary bridge bills, in the State of Washington, for the building of a railroad bridge across the Columbia River in accordance with the general bridge law.

Mr. SULZER. There is no appropriation in it?

Mr. MANN. There is no appropriation in it.

Mr. SULZER. I ought to object; the gentleman from Illinois objected to a bill I reported; but I will not.

Mr. HUGHES of New Jersey. Does this bill contain the usual reservation of the right to alter, amend, or repeal?

Mr. MANN. Yes; it contains everything necessary.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

BRIDGE ACROSS THE MISSOURI RIVER AT ST. CHARLES, MO.

The next business on the Calendar for Unanimous Consent was the bill (S. 8425) to authorize the St. Louis-Kansas City Electric Railway Company to construct a bridge across the Missouri River at or near the town of St. Charles, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the St. Louis-Kansas City Electric Railway Company, a corporation organized under the laws of the State of Missouri, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near the town of St. Charles, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

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

BRIDGE ACROSS MISSOURI RIVER AT ARROW ROCK, MO.

The next business on the Calendar for Unanimous Consent was the bill (S. 8426) to authorize the St. Louis-Kansas City Electric Railway Company to construct a bridge across the Missouri River at or near the town of Arrow Rock, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the St. Louis-Kansas City Electric Railway Company, a corporation organized under the laws of the State of Missouri is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near the town of Arrow Rock, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

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

ELKS' REUNION AT DETROIT.

The next business on the Calendar for Unanimous Consent was the House joint resolution 229, authorizing the Secretary of War to loan certain tents, and so forth.

The House joint resolution was read as follows:

House joint resolution 229.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the grand lodge reunion of the Benovelent and Protective Order of Elks, to be held at Detroit, Mich., July 11 to July 17, 1910, 20 wall tents, with poles, ridges, and pins for each, 20 cots, and 20 stretchers: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said committee designated at such time prior to the date of said reunion as may be agreed upon by the Secretary of War and Frederick S. Burgess, chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from Frederick S. Burgess a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

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

Mr. DENBY. Mr. Speaker, I offer the following amendments:

The Clerk read as follows:

In line 4, strike out from and including "to the executive committee," to and including the word "Elks," in line 6, and insert in lieu thereof the following:

"To the board of trustees of Detroit Lodge, No. 34, of the Benevolent and Protective Order of Elks, for the use of the grand lodge reunion of said order."

In line 8 strike out the word "twenty," and insert in lieu thereof the words "four hundred."

In line 9 strike out the word "twenty," and insert in lieu thereof the word "forty."

In lines 13, on page 1, and 1 on page 2, strike out the words "Frederick S. Burgess, chairman of said executive committee," and insert in lieu thereof, "Vincent Field, chairman of said board of trustees."

In line 3, on page 2, strike out the words "Frederick S. Burgess," and insert in lieu thereof "Vincent Field."

Mr. MANN. Mr. Speaker, after obtaining unanimous consent for consideration the gentleman seems to have offered an amendment which changes the whole resolution, and I think we ought to know what it is now.

Mr. DENBY. Mr. Speaker, I think I can explain very briefly.

Mr. MANN. The gentleman did not offer an amendment changing the number of the bill, did he?

Mr. DENBY. I did not. The amendments offered were to increase the number of cots and the number of stretchers, both being asked for by the medical director of the Elks and both being agreed to by the War Department and the chairman of the Committee on Military Affairs. The other amendment is a merely pro forma amendment, substituting the board of trustees for the executive committee of Elks, the board of trustees now being bonded and being the proper party to take care of this government property, give the proper bond, and take charge of the property and its return after having been used by the Elks convention.

The last amendment is to correct an error made in the Government Printing Office, I think; at least, the error was not made in the offered bill. Otherwise the joint resolution remains unchanged, and in this form has the approval of the chairman of the Committee on Military Affairs.

Mr. MANN. The amendment does not add to the expense of the Government?

Mr. DENBY. The amendment adds nothing of expense to the Government whatever.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading, and it was accordingly read the third time and passed.

The title was amended by striking out the words "and so forth" and inserting in lieu thereof:

Cots and stretchers for the use of the Benevolent and Protective Order of Elks, at Detroit, Mich., in July, 1910.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the concurrent resolution of the House (H. C. Res. 47) do pass with the following amendment:

Line 10 of the resolution, after "House," insert "and shall not exceed the sum of one thousand dollars."

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

H. R. 24070. An act to authorize the President of the United States to make withdrawals of public lands in certain cases.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

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

LEAVE OF ABSENCE TO STOREKEEPERS, GAUGERS, AND STOREKEEPER-GAUGERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5035) granting cumulative annual leave of absence to storekeepers, gaugers, and storekeeper-gaugers, with pay.

The Clerk read the bill, as follows:

Be it enacted, etc., That storekeepers, gaugers, and storekeeper-gaugers shall be, and are hereby, granted a cumulative annual leave of absence, with pay, not to exceed in the aggregate fifteen days for any one year or portion of a year said storekeepers, gaugers, and storekeeper-gaugers are actually assigned to duty: *Provided*, That such leave shall be operative under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "year," in line 6, and insert the following:

"*Provided*, Said leave of absence is so computed as not to exceed one and one-quarter days for each twenty-six days said storekeepers, gaugers, and storekeeper-gaugers are actually assigned to duty: *Provided further*, That such leave shall be operative under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe."

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

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time and passed.

COUNSEL ASSIGNED BY COURT.

The next business on the Calendar for Unanimous Consent was the bill (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 asssigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis.

The SPEAKER. Without objection, the substitute will be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 1 of an act entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' approved July 20, 1892, be, and the same is hereby, amended so as to read as follows:

"That any citizen of the United States entitled to commence or defend any suit or action, civil or criminal, in any court of the United States, may, upon the order of the court, commence and prosecute or defend to conclusion any suit or action, or a writ of error, or an appeal to the circuit court of appeals, or to the Supreme Court in such suit or action, including all appellate proceedings, unless the trial court shall certify in writing that in the opinion of the court such appeal or writ of error is not taken in good faith, without being required to prepay fees or costs or for the printing of the record in the appellate court or give security therefor, before or after bringing suit or action, or upon suing out a writ of error or appealing, upon filing in said court a statement under oath in writing that because of his poverty he is unable to pay the costs of said suit or action or of such writ of error or appeal, or to give security for the same, and that he believes that he is entitled to the redress he seeks by such suit or action or writ of error or appeal, and setting forth briefly the nature of his alleged cause of action or appeal."

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

The amendment was agreed to.

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

AMERICAN NATIONAL RED CROSS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6877) to amend an act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, is hereby amended to read as follows:

"SEC. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely or fraudulently hold himself out as or represent or pretend himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employees and agents and the army and navy sanitary and hospital authorities of the United States for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross on a white ground, or any sign or insignia made or colored in imitation thereof, or of the words 'Red Cross' or 'Geneva Cross' or any combination of these words: *Provided, however*, That no person, corporation, or association that actually used or whose assignor actually used the said emblem, sign, insignia, or words for any lawful purpose prior to January 5, 1905, shall be deemed forbidden by this act to continue the use thereof for the same purpose and for the same class of goods. If any person violates the provision of this section he shall be deemed guilty of a misdemeanor, and upon conviction in any federal court shall be liable to a fine of not less than $1 nor more than $500, or imprisonment for a term not exceeding one year, or both, for each and every offense."

SEC. 2. That the following section is hereby added to said act:

"SEC. 8. That the endowment fund of the American National Red Cross shall be kept and invested under the management and control of a board of nine trustees, who shall be elected from time to time by the incorporators and their successors under such regulations regarding terms and tenure of office, accountability, and expense as said incorporators and successors shall prescribe."

The SPEAKER. Is there objection?

Mr. BARTLETT of Georgia. Mr. Speaker, reserving the right to object, may I inquire of the gentleman from Michigan if this is the bill, or similar to the House bill, to which the gentleman from Indiana [Mr. CRUMPACKER] objected some weeks ago?

Mr. DENBY. This is a Senate bill, passed after the House bill had been objected to, and in general terms very similar to the House bill. There are minor details wherein it differs; but the bill comes over from the Senate and is substantially the same bill that the gentleman from Indiana [Mr. CRUMPACKER] objected to when it came from the House Committee on Foreign Affairs and was up for unanimous consent before.

Mr. BARTLETT of Georgia. I tried to get a copy of the bill before it was called up, and tried to hear the reading, but could not get a copy at the desk.

Does this bill propose to make it a crime for anyone to use the red cross as an advertisement in his business; for instance, for a druggist to put the sign of the red cross on his window, not intending to deceive anybody, but as a sort of a trade-mark?

Mr. DENBY. It has been a misdemeanor since 1905.

Mr. BARTLETT of Georgia. I apprehend nobody was ever convicted under it, or ever could be.

Mr. DENBY. I am only saying to the committee and to the gentleman from Georgia that the bill is not made more drastic in that particular now than it was when originally passed in 1905. I have here the act of 1905, which has been on the statute book and not objected to during this period of five years.

Mr. BARTLETT of Georgia. There has been no effort made to enforce it criminally.

Mr. DENBY. I do not think any effort has been made to proceed criminally.

Mr. BARTLETT of Georgia. No.

Mr. DENBY. But it is an excellent provision to give to the Red Cross, in order to endeavor to prevent the misuse of the symbol.

Mr. BARTLETT of Georgia. There are a great many excellent things that Congress might enact into law if it had the power to do it.

Mr. DENBY. May I point out to the gentleman that objection now will only accomplish the defeat of this bill, will leave the law exactly where it is now, and will not prevent whatever there may be that is objectionable in the provision of law that the gentleman speaks of, because it is law already?

Mr. BARTLETT of Georgia. This is the way we get bad legislation, buttressed around by things that appeal to people for the common good. This is the way we enact laws for the punishment of offenses over which Congress has never had any jurisdiction and will never have, unless you amend the Constitution of the United States; and I apprehend you never will be able to amend the Constitution of the United States so as to provide for the punishment of offenses such as this within a State. I apprehend it is perfectly proper to protect the Red Cross Society, to protect its emblems, and all that sort of thing. Congress has chartered this corporation, and that is all right. I have no objection to it, because it is a most useful thing. Everybody admits that. But under the guise of its usefulness and its great benefactions you come in and propose to enact a law that Congress has no authority to enact. I am not going to object to it, as I said when you had this bill up here once before in this session; but I want to make a statement that the efforts the gentleman makes here to protect the sign of the Red Cross and prevent the people from using it, or making it a crime to do so, is not worth the paper on which it is written.

Now, it may frighten some people engaged in legitimate business. But if a man has a red cross for a trade-mark on his business sign, over a drug store, not for the purpose of deceiving anybody, but for business purposes, it is not subject to control by the powers of Congress, with limited jurisdiction, with the right to exercise only those powers delegated to it. They can not do it under the guise of good to the community or aiding this great institution engaged in charity and benefit of mankind. Congress can pass this law, as far as I am concerned. I shall not object to its consideration by unanimous consent. But the Supreme Court has decided this question in the One hundredth United States—the Trade-mark cases. If Congress wants to consider this, let it pass it. If it wants to pass it, and send it forth to the country, it can do so; but it is mere brutum fulmen, which will not amount to anything. It will fade away whenever it is touched by the law.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

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

EASTERN JUDICIAL DISTRICT OF MISSOURI.

The next bill on the Calendar for Unanimous Consent was the bill H. R. 21220, transferring Maries County to the eastern division of the eastern judicial district of Missouri.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Maries, in the State of Missouri, be detached from the western judicial district and attached to the eastern division of the eastern judicial district of the State of Missouri: *Provided*, That courts of the western district shall retain and exercise jurisdiction over all causes and proceedings, civil and criminal, arising in or coming from said county and begun and pending at the date of the taking effect of this act, and of all criminal offenses committed in said county prior to the date this act goes into effect, the prosecution of which has not been begun, as completely as if this act were not passed.

The SPEAKER. Is there objection?

There was no objection.

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

DAM ON THE OLALLA SLOUGH, LINCOLN COUNTY, OREG.

The next bill on the Calendar for Unanimous Consent was the bill H. R. 26458, to authorize the construction of a dam on the Olalla Slough, in Lincoln County, Oreg.

The Clerk read the bill as proposed to be amended by the substitute, as follows:

Be it enacted, etc. That the legal officers of the Olalla diking district, organized under the laws of the State of Oregon, be, and hereby are, authorized to construct upon the foundation already laid, and to maintain a dike across the Olalla Slough, in Lincoln County, Oreg., with a gate therein so constructed and maintained as to be readily opened and easily operated for the purpose of navigation. Said gate may be closed for such time as to prevent the overflowing by the tides of the lands above the dike under regulations to be prescribed from time to time by the Secretary of War: *Provided, however*, That the work now existing shall not be legalized nor shall any new work be commenced until the plans therefor have been filed with and approved by the Secretary of War and Chief of Engineers.

The committee amendments were agreed to.

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

The title was amended.

EASTERN JUDICIAL DISTRICT OF ARKANSAS.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 20487) to reorganize the eastern judicial district of Arkansas, and for other purposes.

The Clerk read the bill.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

Mr. STERLING. Mr. Speaker, I move to amend by striking out all after the enacting clause and inserting the following:

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"SECTION 1. From and after the passage of this act there shall be held at the city of Jonesboro, in the eastern division in the eastern district of Arkansas, a term of both the circuit and district courts of said division and district on the second Monday of May and the second Monday of November in each year.

"SEC. 2. That the clerks of the circuit and district courts for the eastern division of the eastern district of Arkansas, and the marshal and attorney of the United States for said district shall perform the duties appertaining to their offices, respectively, in and for the courts held at the city of Jonesboro; and the clerks' offices for said court shall be at Helena, where all the records of said courts shall be kept and all the office duties performed, except when said courts are in session at Jonesboro.

"SEC. 3. That the court, or judge thereof in vacation, may order a grand jury for either term of the court herein provided for at the city of Jonesboro.

"SEC. 4. Prosecution for crimes or offenses hereafter committed in any part of said division shall be cognizable at either of the terms of court held in the city of Helena or in the city of Jonesboro.

"SEC. 5. That suits may be brought to be tried in the court held at the city of Helena, or at the city of Jonesboro, as the plaintiff may elect; and trials, civil and criminal, may be transferred by the court or judge thereof from Helena to Jonesboro or from Jonesboro to Helena, in said division and district, when the convenience of parties or the ends of justice would be promoted by the transfer; or such transfer may be made upon the written stipulation of the parties or their attorneys; and any interlocutory order may be made by the court or judge in either place.

"SEC. 6. That all causes removed from state courts held within said division to the circuit court of the United States shall be sent to said court at Helena or at Jonesboro, at the option of the adverse party, and be subject to transfer as prescribed in section 5.

"SEC. 7. All acts and parts of acts inconsistent with the provision of this act are hereby repealed to the extent of such inconsistency, but not otherwise."

The amendment offered by Mr. STERLING was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to reconsider the vote by which all the various bills were passed and to lay those motions on the table.

The motion was agreed to.

PAROLE AND PROBATION SYSTEM FOR THE DISTRICT OF COLUMBIA.

The SPEAKER. There is the unfinished business of the bill S. 1942, of which the Clerk will read the title.

The Clerk read as follows:

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

The SPEAKER. A second was ordered on the bill, and there is twenty minutes' debate on a side. The gentleman from Illinois [Mr. STERLING] is entitled to twenty minutes and the gentleman from Minnesota [Mr. TAWNEY] to twenty minutes.

Mr. STERLING. Mr. Speaker, I call for a vote.

Mr. MANN. Mr. Speaker, before we have a vote I think we ought to have an explanation of the bill.

Mr. STERLING. I yield to the gentleman from Ohio [Mr. GOEBEL].

Mr. GOEBEL. Mr. Speaker, the bill before the House is a substitute for a Senate bill. The Senate bill was referred to the Committee on the Judiciary and that committee referred it to a subcommittee. The subcommittee after extensive hearings prepared this substitute, which was adopted unanimously by the Committee on the Judiciary and reported to the House. In effect the bill provides for the appointment by the supreme court of the District of Columbia of one probation officer and by the police court of the District of one probation officer and an assistant probation officer and as many volunteer assistant probation officers, male or female, as may be required. The salary of the probation officer of the supreme court to be $1,800, the salary of the probation officer of the district court $1,500, and that of the assistant $1,200, but no compensation is to be paid to any of the other probation officers. The supreme court will have power in any case after conviction or after a plea of guilty and the imposition of a sentence, but before commitment, whenever it shall appear in the interest of the public, to place the defendant upon probation, but this right does not extend to cases involving treason, homicide, rape, arson, or kidnapping, or when there was a previous conviction of a felony. The defendant is placed under probation under such rules and regulations as the courts may provide. The bill also provides that the probation officers shall investigate all cases referred to them by the court. If at any time the defendant violates any of the provisions or rules and regulations governing his probation he may be rearrested and compelled to serve the time for which he was originally sentenced. I might say that there is now a similar law applicable to juveniles in the District of Columbia and in many of the cities of the United States. This bill is also approved by many of the best citizens of the District of Columbia who have taken great interest in this matter.

I might also add that there is a provision appropriating $5,000 for the payment of the expenses of these probation officers, one half to be paid by the Government and the other half to be paid out of the funds of the District of Columbia. I understand, Mr. Speaker, when this matter was up a few days ago that there was objection to the bill, and especially to the provision providing for assistant probation officers without pay. It was contended, I believe, by the gentleman from Minnesota that this might involve the Government in some compensation at a future time. If that be possible it would seem very strange, for there is an express provision that there shall be no compensation. Whenever such appointment is made it is made with the distinct understanding that there shall be no compensation. Clearly whenever there is such an understanding there never can be a valid claim made for compensation. The purpose in making that provision was that there are many good men and women in the District of Columbia who are anxious and willing to give their services and their time to matters of this kind without compensation in order to be useful to some one who needs this aid and support.

Mr. STERLING. And the gentleman might add that it is now adopted in the juvenile system in the District of Columbia.

Mr. GOEBEL. And that is being done now by these good men and women in the District of Columbia with reference to juveniles. Therefore I say, Mr. Speaker, that that provision was put in there for the express purpose of enabling these good men and women possessing some authority of law to exercise the rights of a probation officer just the same as if there was compensation. Now I hope, Mr. Speaker, with this explanation, I have satisfied my friend from Minnesota.

Mr. TAWNEY. Mr. Speaker, when this bill was called up a few days ago it was practically conceded by the gentleman from Illinois in charge of the bill that it ought to be amended in some particulars, but there is no opportunity here now for an amendment. I want to call the attention of the House to the fact that with the enactment of this bill into law the District of Columbia will have more probation officers than any State in the

Union. We now have two in the District, and this bill proposes to add three more on the salary rolls. The act of Congress approved March 19, 1906, expressly authorizes the appointment of two probationary officers.

Mr. GOEBEL. That applies to the juvenile court.

Mr. TAWNEY. That applies to the juvenile court.

Mr. GOEBEL. Which is separate and distinct.

Mr. TAWNEY. This proposes to authorize the supreme court of the District to appoint one probation officer at a salary of $1,800 per annum and as many volunteer assistant probation officers, male or female, as the occasion may require. It then authorizes the police court of the District of Columbia to appoint one chief probation officer at a salary of $1,500 per annum and one assistant probation officer at a salary of $1,200 per annum; and in addition to that, as many more volunteer probationary officers as the occasion may require.

Why, Mr. Speaker, there is absolutely no necessity—there can be no necessity—for that number of salaried probation officers in this District except for the purpose of furnishing some men with good positions where they will draw very fat salaries for services they will never perform. There is no State in the United States that has as many probationary officers, and it seems to me absolutely ridiculous for us to authorize the employment of five of these officers for the enforcement of this law. It can be justified only upon the theory that the number of criminals committed to prison and the number released on probation will be so large that it will require almost as many officers to guard them and to look after them when they are out on probation as it requires to arrest them. It seems to me absolutely ridiculous that we should pass a bill authorizing this number of probation officers here in the District of Columbia. Another thing——

Mr. COX of Indiana. How many parole prisoners are there?

Mr. TAWNEY. I do not know how many parole prisoners there are.

Mr. STERLING. Not any. We have no parole law, as yet.

Mr. TAWNEY. I do not know that there are any parole prisoners from the jail, but we have a police force in this city who can be detailed, and in some instances are charged with the duty of acting in the capacity of probation officer. What are the duties of a probation officer except to keep track of prisoners who are released on probation? What is the duty of a policeman? To see that the law is enforced, and that people who are guilty or who are suspected of violating the law are arrested and brought to trial.

Now, we have an officer whose duty it is to arrest men for a violation of the law, and then have these men tried and put them into the penitentiary or into jail.

Now it seems that we are to establish another police force for the purpose of looking after those convicted and imprisoned when they are released on probation. The police officers of this city are sufficiently numerous to discharge the duties in both cases. I am not opposed to the policy of probation, but I am opposed to authorizing the appointment and employment of men whose services are not necessary. The two probation officers at the juvenile court are necessary. The duties of these officers are not so onerous as to occupy all their time They could very easily discharge the duties of probation officers of the District generally. It seems to me, Mr. Speaker, that the unnecessary authorization for probation officers ought to be sufficient to defeat its passage under a suspension of the rules with no opportunity to amend the bill. Then authority is given to this court by this act to appoint as many volunteer probation officers as occasion may require. What is the necessity for volunteer probation officers in the District of Columbia?

Mr. MANN. It is because you would not let them have playgrounds. If you would let them have playgrounds, they would not need probation officers.

Mr. TAWNEY. If they want to employ superintendents of playgrounds they can do it. I have stated on the floor of this House repeatedly that I have no objection to employing superintendents of playgrounds and providing for all the playgrounds that the most enthusiastic playgrounds advocate wants, provided they pay the expenses out of their own revenues.

The idea of authorizing the court to appoint anyone, Tom, Dick, or Harry, who may come in and feel that he or she is charged with the special duty of looking after somebody that has been released on probation, and have that person appointed and clothed with all the power of a probation officer, seems to me ridiculous; and I hope the bill will not pass.

Mr. STERLING. Mr. Speaker, I desire to say a word in reply to what the gentleman from Minnesota has said. In the first place, I want to correct the statement that I substantially admitted on the last suspension day—that this bill ought to be amended. I did not admit that it ought to be amended. I consented, then, for the sake of getting it up at that time, to strike out the provision making the appropriation, with the hope that the Appropriations Committee would make the appropriation in the general deficiency bill. That bill has now passed the House, and there will be no appropriation for the law if it is stricken out at this time. I very emphatically object to such an amendment now for that reason.

Further, Mr. Speaker, there is no probation officer in the District of Columbia for convicts and prisoners of the character covered by this bill. There is a probation officer for the juvenile court to look after juvenile offenders under 17 years of age, but there is no officer to supervise and assist persons put on probation under this bill.

Mr. Speaker, there are about 4,000 persons convicted every year in the police courts of the District of Columbia. I undertake to say that they and society would be better off if one-half of them were out on parole, earning a living for themselves and their families. As it is now, the jails are absolutely crowded with these men and women who are convicted of minor offenses, when if they were under a proper system of supervision by parole officers they could all be out earning their own livelihood and saving the Government and the District of Columbia thousands and thousands of dollars every year. I desire to say, further, that this bill, substantially as the Judiciary Committee presented it to the House, was prepared by a commission appointed by President Roosevelt to investigate the conditions of jails and prisons in the District of Columbia.

Judge De Lacey and Judge Stafford were on that commission, as well as other eminent persons in the District of Columbia, and after numerous meetings and very considerable work they presented this bill to the Judiciary Committee for consideration. It is the universal sentiment of the people in the District of Columbia that there ought to be legislation of this kind. I doubt if there are enough probation officers provided in the bill. It will be necessary to have volunteers to properly parole these offenders. There are always charitable and philanthropic persons willing to contribute their service to reform, and we ought to accept it. This bill will cost a great deal less than it saves. The Government and the District will save $10,000 per year by way of avoiding the expense of keeping these persons in prison. They ought to be out on parole and at work providing for themselves and their families. I call for a vote, Mr. Speaker.

The question being taken, on a division there were—ayes 65, noes 16.

Accordingly (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

ASSOCIATE JUSTICE WILLIAM H. MOODY.

Mr. CLAYTON. Mr. Speaker, by direction of the Committee on the Judiciary I move to suspend the rules and pass the bill (H. R. 27010) to permit William H. Moody, an associate justice of the Supreme Court of the United States, to retire.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of section 714 of the Revised Statutes be, and they are hereby, extended and made applicable to William H. Moody, an associate justice of the Supreme Court of the United States, in consequence of his physical disability, notwithstanding he has not served the full term of ten years or attained the age of 70 years as required by the aforesaid section: *Provided*, That the said William H. Moody shall resign the said office of associate justice of the Supreme Court of the United States within five months after the passage of this act.

The SPEAKER. Is a second demanded? A second not being demanded, the question is on the motion to suspend the rules and pass the bill.

The question being taken, and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

Mr. CLAYTON. I ask unanimous consent to print in the RECORD the report which I prepared to accompany this bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent to print the report in the RECORD. Is there objection?

There was no objection.

The report by Mr. CLAYTON is as follows:

THE FACTS.

Mr. Justice Moody's public service began as a Member of the House of Representatives in the Fifty-fourth Congress and continued during the successive Congresses until he became Secretary of the Navy on May 1, 1902. He served as Secretary of the Navy until he was appointed Attorney-General on July 1, 1904. In the last-named capacity he served until his appointment as an associate justice of the Supreme Court on December 3, 1906. He accepted this place at a great pecuniary sacrifice. Before he knew it would be offered to him he had given notice of his intended resignation as Attorney-General, and had arranged to enter a law firm in Boston with the guaranty of an income several times in excess of the salary of associate justice. He surrendered that practice, or opportunity, in order to serve his country in the office of his highest ambition.

His illness began in the midwinter of 1909 with an attack of lumbago, from which he suffered severely while on the bench. In the fol-

lowing spring, during the recess of the court, he was treated for rheumatism at Hot Springs, Va. After treatment there, lasting a month or more, he lost weight; his condition became worse, and he then went to New York, where eminent physicians treated him for rheumatic gout for three months. However, there was no improvement in his health. In September thereafter he went back to his home in Massachusetts and had the advice and services of skilled physicians, who pronounced his case to be the kind of rheumatism which was formerly incurable, but now curable. He became better and his pain and suffering became less frequent and violent. The physicians there assured his friends as late as last November that he would get well, and he expected to return to his work on the bench in February last. During the last month severe pain has frequently returned to him. He is much emaciated, has no appetite for food, his digestion is seriously impaired, and he is now confined to his bed in a hospital at Boston. His friends and advisers hope that he can recover his health, but it is only a hope.

Your committee is of opinion that it is very doubtful whether he can resume his duties on the bench. It is most likely that he will never be able to do so.

THE LAW.

There is no way of removing an associate justice from his office except by impeachment, and impeachment can be had only after conviction of high crimes and misdemeanors.

"The judges, both of the supreme and inferior courts, shall hold their offices during good behavior." (Const., Art. III, sec. 1,)

A judge may die, resign, or retire under the statute, but of course he can not, and should not, be impeached for ill health.

Section 714 of the Revised Statutes of the United States is in the following language:

"When any judge of any court of the United States resigns his office, after having held his commission as such at least ten years, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation."

Mr. Justice Moody was born December 25, 1853, was appointed associate justice on December 3, 1906, and therefore lacks thirteen years and six months of being 70 years of age. And his service falls short of the requirements of the retirement statute by six years and five months.

THE NECESSITY FOR A FULL BENCH.

The Supreme Court is composed of one Chief Justice and eight associate justices. Therefore while Mr. Justice Moody is absent from the bench the court is composed of eight justices. The wisdom of having the court of the odd number of nine is apparent. It is unfortunate in any case to have an evenly divided court. The possibility of such a division ought to be avoided whenever practicable. Especially ought such a possibility be avoided when there is much important litigaton involving questions of far-reaching consequences now pending before the court. There ought to be a full bench.

PRECEDENTS.

We are not without precedents. This bill is substantially in the terms of the act approved January 27, 1882, by which Justice Ward Hunt, of the Supreme Court, was retired before he had served the statutory period of ten years. The difference between the case of Justice Hunt and the case of Justice Moody is that there was no hope of the former's recovery, hence the time of service at the end of which he could resign, as provided in Revised Statutes, 714, was made shorter. Mr. Justice Moody is comparatively a young man, and always enjoyed good health until he was attacked by violent and possibly progressive rheumatism, under which he now suffers. It is to be hoped that he may recover within the next six months, and as no appointment would be made until the Senate is in session next December, it is deemed right that this time should be afforded.

The act providing for the retirement of Mr. Justice Hunt is in the following terms:

"* * * That the provisions of section 714 of the Revised Statutes be, and they are hereby, extended and made applicable to Ward Hunt, an associate justice of the Supreme Court of the United States, in consequence of his physical disability, notwithstanding he has not served the full term of ten years as required by the aforesaid section: *Provided*, That the said Ward Hunt shall resign the said office of associate justice of the Supreme Court of the United States within thirty days after the passage of this act.

"Approved, January 27, 1882."

On December 14, 1900, Mr. Ray, from the Committee on the Judiciary, reported to the House favorably S. 5076 (56th Cong., 2d sess., H. Rept. 2025). The report in part is as follows:

"The Committee on the Judiciary, to which was referred the bill (S. 5076) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, has considered same and unanimously reports:

"The speedy enactment of this bill into law is demanded by existing conditions affecting the public welfare in the northern judicial district of the State of Ohio that can not otherwise well be met. There is no provision of law for the retirement of judges of the United States courts on account of permanent mental or physical incapacity, and it has not been deemed wise to attempt to place such a law on the statute book. That question has been several times considered by the Committee on the Judiciary in different Congresses, and the conclusion has always been the same, regardless of political considerations. The objections and difficulties are numerous and substantial. In the northern judicial district of Ohio the district judge is permanently incapacitated, and this condition of things has existed for nearly three years. The work has been continued spasmodically by calling in other judges from time to time, but is rapidly running behind, and the public as well as private interests suffer."

The measure became a law on December 19, 1900.

On January 14, 1898, Mr. Lanham, from the Committee on the Judiciary, reported to the House favorably H. R. 6554 (55th Cong., 2d sess., H. Rept. 131). We quote from the report:

"The Committee on the Judiciary, to which were referred divers petitions from the attorneys at law in the counties of Collin, Clay, Eastland, Wise, Potter, Taylor, Tarrant, Wilbarger, Wichita, Hood, Runnels, Bosque, and Hill, in the State of Texas, and situated within the northern judicial district of said State, praying for relief in the matter of the judgeship of said northern district; and also House bill No. 5512, relating to the appointment of an additional district judge, have had the same under consideration, and respectfully report in lieu of said bill, and as responsive to said petitions, the bill herewith submitted, and recommend its passage.

"There is evidently an urgent necessity for the relief prayed for. The present judge of said district, as the result of permanent ill health and disability, has not been able to preside at any of the courts in said district for a period of almost or quite three years, nor does it seem at all probable that he will ever be able to resume and discharge the duties of the bench. For the past two years he has been out of the district.

"The district is a large one, embracing territorially more than 100,000 square miles and containing 111 counties. Courts are provided by law to be held at five places in said district, to wit, Waco, Dallas, Fort Worth, Abilene, and San Angelo. The three first named are among the largest cities in Texas. The dockets are crowded. There are, in addition to the large volume of civil business pending in said courts, criminal cases which it has been impossible to dispose of, and in which the Government has been unable to secure trials, and the defendants have been precluded from having their constitutional rights to a speedy disposition of cases pending against them. * * *

"Wherefore, the Committee on the Judiciary report the following bill and recommend its passage."

This bill became a law February 9, 1898.

There are other cases of a like kind antedating those herein specifically mentioned.

NECESSITY FOR THE PASSAGE OF THIS MEASURE.

This measure is not proposed for the benefit of Mr. Justice Moody. He can remain in office whether it be passed or not. The measure is for the public good. Mr. Justice Moody can remain on the bench, as a matter of law, until ten years have elapsed and he attains the age of 70 years, if he should live so long, and then retire on pay. He accepted the office, knowing that should he serve ten years and reach 70 years of age he could so retire on pay. He is a poor man dependent upon his salary. That he is unable to discharge the duties of his office is due to no fault of his. He can not now, and doubtless will never be able to resume his place on the bench. He can, as a matter of law, remain on the bench and draw his salary, which is necessary for his maintenance and support, or he can resign and then starve or become the object of charity. Your committee is unwilling to have the bench of the Supreme Court deprived of the necessary services of a ninth justice. Your committee does not believe that morals or ethics under the circumstances require the resignation of Mr. Justice Moody.

Your committee submits that the pending bill is in entire harmony with and effective of the provision of the Constitution creating a Supreme Court; that it accords with the spirit and purposes of section 714 of the Revised Statutes, providing for the retirement of judges, and is in line with the wise policy of that law; that it is similar to previous necessary legislation, and is just as necessary as the legislation which was had in any previous case.

Your committee concludes that it is for the public good to extend the retirement privilege afforded by the statute (Rev. Stat., 714) to Mr. Justice Moody, and therefore reports back H. R. 26877 with the recommendation that it do pass.

DAMS ACROSS CERTAIN NAVIGABLE WATERS.

Mr. STEVENS of Minnesota. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 26981) as amended, which I ask the Clerk to read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Hydro-Electric Company, a corporation organized under the laws of the State of Indiana, be, and is hereby, authorized to construct, maintain, and operate a dam across the White River at a suitable point near the village of Decker, Knox County, in the State of Indiana.

The city of Sturgis, a municipal corporation organized under the laws of the State of Michigan, is hereby authorized to construct, maintain, and operate a dam across the St. Joseph River, at or near its intersection with the section line between sections 1 and 2, township 6 south, range 11 west, St. Joseph County, in the State of Michigan.

Hugh MacRae, M. F. H. Gouverneur, and E. W. Van C. Lucas, partners trading under the firm name of Hugh MacRae & Co., bankers, of the city of Wilmington, N. C., their successors and assigns, are hereby authorized to construct, maintain, and operate a dam across the Savannah River, extending from a point in Elbert County, Ga., to a point in Abbeville County, S. C., upon or in the vicinity of Trotters Shoals; and also a dam across the Savannah River, extending from a point in Elbert County, Ga., to a point in Abbeville County, S. C., upon or in the vicinity of Calhoun Falls; and also a dam across the Tugaloo River, extending from a point in Hart County, Ga., to a point in Anderson County, S. C., upon or in the vicinity of Hattons Ford; and also a dam across the Savannah River, extending from a point in Elbert County, Ga., to a point in Abbeville County, S. C., upon or in the vicinity of Cherokee Shoals.

The Byron Water Power Company, a corporation organized under the laws of the State of Illinois, is hereby authorized to construct, maintain, and operate a dam across Rock River near the upper end of an island in said river at or near the north line of the south half of the southeast quarter of section 20, township 25 north, range 11, east of the fourth principal meridian, in Ogle County, Ill.

The Virginia Iron, Coal and Coke Company, a corporation organized under the laws of the State of Virginia, is hereby authorized to construct, maintain, and operate a dam across the New River at a point near Foster Falls, Wythe County, in the State of Virginia.

The Pea River Power Company, a corporation, is hereby authorized to construct, maintain, and operate a dam across Pea River, at a point about 4 miles below the town of Elba, in Coffee County, State of Alabama.

James D. Markham, of Chisago County, Minn., and Chauncey A. Kelsey, of Denver, Colo., and their assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the St. Croix River at a point suitable to the interests of navigation at or near the county line dividing Chisago and Pine counties, in section 4, township 37 north, of range 20 west of the fourth principal meridian, in Minnesota, to a point in lots Nos. 1, 2, and 3, in section 4, in Burnett County, Wis.

The Great Northern Development Company, a corporation organized under the laws of the State of Maine, is hereby authorized to construct, maintain, and operate a dam across the Mississippi River at Coon Creek Rapids from a point in lot 1, section 2, township 119, range 21, Hennepin County, to a point in lot 4, section 27, township 31, range 24, Anoka County, in the State of Minnesota.

The Pike Rapids Power Company, a corporation organized under the laws of the State of Minnesota, is hereby authorized to construct, maintain, and operate a dam across the Mississippi River at a point between sections 20, 29, and 32, in township 128 north, range 29 west of the fifth principal meridian, and sections 17 and 20 in township 39, range 32 west of the fourth principal meridian, in Morrison County, in

the State of Minnesota, and the act of Congress approved March 2, 1907, entitled "An act to amend an act entitled 'An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota,' approved June 4, 1906," is hereby repealed.

Herman L. Hartenstein and his assigns are hereby authorized to construct, maintain, and operate a dam across the St. Joseph River near the village of Mottville, St. Joseph County, Mich.; and the act entitled "An act to authorize Herman L. Hartenstein to construct a dam across the St. Joseph River near the village of Motteville, St. Joseph County, Mich.," approved March 2, 1907, is hereby repealed.

Section 3 of the act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, is hereby amended so as to read as follows:

"SEC. 3. That this act shall be null and void unless the construction of the dam herein authorized be commenced on or before the 1st day of January, 1911, and be completed on or before the 1st day of January, 1913."

The time for commencing and completing the dam authorized by the act entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.," approved March 10, 1908, is hereby extended for one year from and after the passage of this act.

The act of Congress entitled "An act authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala.," approved April 5, 1906, is hereby reenacted and revived and the time for commencing and completing the dam authorized by said act is hereby extended to one year from and after the passage of this act.

The time for the completion of the dam by the St. Cloud Electric Power Company authorized by the act entitled "An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota," approved June 28, 1906, is hereby extended to three years from and after the passage of this act.

The Columbia Power and Electric Company, a corporation organized under the laws of the State of South Dakota, is hereby authorized to construct, maintain, and operate a dam across Clarks Fork of the Columbia River at or near a point 3 miles west of Thompson, in Sanders County, in the State of Montana.

The Ivanhoe Furnace Corporation of Ivanhoe, Wythe County, Va., is hereby authorized to construct, maintain, and operate a dam across the New River at or near Ivanhoe, Wythe County, in the State of Virginia.

The Chucawalla Development Company, a corporation organized under the laws of the State of California, is hereby authorized to construct, maintain, and operate a dam across the Colorado River at a point within 10 miles above Parker, Yuma County, in the Territory of Arizona: *Provided*, The actual construction of said dam shall be begun within two years and completed within five years from the date of the passage of this act: *And provided further*, The actual construction of said dam shall not be commenced until the plans and specifications therefor shall have been presented to and approved by the Secretary of the Interior, in addition to the requirements of the act approved June —, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," and in approving the plans and specifications, the Secretary of the Interior may impose such conditions as to him shall seem proper for the protection of the public interests of Indians and the United States.

SEC. 2. That the construction, maintenance, and operation of each of the dams herein authorized shall be in all respects in accordance with and subject to the provisions of the act approved June —, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 3. That the right to alter, amend, or repeal this act in whole or in part is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill passed.

ASSIGNMENT OF ENTRIES BY HOMESTEAD ENTRYMEN.

Mr. REEDER. Mr. Speaker, I move to suspend the rules and pass the bill S. 5048, with a committee amendment.

The SPEAKER. Does the gentleman's motion include the committee amendment?

Mr. REEDER. Yes, sir.

The Clerk read the bill, as follows:

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

Be it enacted, etc., That from and after the filing with the Commissioner of the General Land Office of satisfactory proof of residence, improvement, and cultivation for the five years required by law, persons who have, or shall make, homestead entries within reclamation projects under the provisions of the act of June 17, 1902, may assign such entries, or any part thereof, to other persons, and such assignees, upon submitting proof of the reclamation of the lands and upon payment of the charges apportioned against the same as provided in the said act of June 17, 1902, may receive from the United States a patent for the lands: *Provided*, That all assignments made under the provisions of this act shall be subject to the limitations, charges, terms, and conditions of the reclamation act.

Mr. REEDER. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. REEDER. Mr. Speaker, this bill provides for the assignment of homestead entries on irrigation projects after the homesteader has occupied the land for five years. It gives him permission to assign his homestead to other persons after he has occupied the land for five years.

Mr. OLMSTED. Mr. Speaker, I would like to ask the gentleman from Kansas if he means to include the committee amendment. Here is a committee amendment on page 1, line 9, inserting the words "shown to be qualified to make homestead entry." Does he want to include that?

Mr. REEDER. No, Mr. Speaker, I desire to pass the bill without the committee amendment.

The SPEAKER. But the Chair so understood the gentleman at one time. The Chair asked the gentleman from Kansas a second time, and he said that he wanted to include the committee amendment in the Senate bill.

Mr. FITZGERALD. I understood the gentleman's motion was to include the committee amendment.

The SPEAKER. It did, but the gentleman now desires to omit the committee amendment and pass the bill as it came from the Senate.

Mr. OLMSTED. Mr. Speaker, if I may be permitted a moment—the misunderstanding occurred in the way that a good many others do. Many gentlemen think that when a bill comes here with a committee amendment printed in it it is a part of the bill. I understand the gentleman from Kansas wants the bill passed as it came from the Senate.

Mr. HAMER. The House Committee on Irrigation held a meeting recently and subsequent to the time when this bill was first reported to the House and authorized its chairman to withdraw the words printed in italics, to wit, "shown to be qualified to make homestead entry." What the gentleman from Kansas now desires is to carry out the final decision of his committee and have this bill pass as it came from the Senate, which purpose will be accomplished by eliminating the words "shown to be qualified to make homestead entry."

The SPEAKER. The question is on the motion of the gentleman to suspend the rules and pass the bill without the committee amendment.

The question was taken; and two-thirds having voted in favor thereof, the bill was passed.

APPARATUS AND OPERATORS FOR WIRELESS ON OCEAN STEAMERS.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7021) to require apparatus and operators for radio communication on certain ocean steamers, with an amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the 1st day of July, 1911, it shall be unlawful for any ocean-going steamer of the United States, or of any foreign country, carrying passengers and carrying 50 or more persons, including passengers and crew, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, in charge of a person skilled in the use of such apparatus, which apparatus shall be capable of transmitting and receiving messages over a distance of at least 100 miles, night or day: *Provided*, That the provisions of this act shall not apply to steamers plying only between ports less than 200 miles apart.

SEC. 2. That for the purpose of this act apparatus for radio-communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages relating to the safety of the vessel or those on board, the ship's position, weather, and information to aid navigation, with shore or ship stations using other systems of radio communication.

SEC. 3. That the master or other person being in charge of any such vessel which leaves or attempts to leave any port of the United States in violation of any of the provisions of this act shall, upon conviction, be fined in a sum not more than $5,000, and any such fine shall be a lien upon such vessel, and such vessel may be libeled therefor in any district court of the United States within the jurisdiction of which such vessel shall arrive or depart, and the leaving or attempting to leave each and every port of the United States shall constitute a separate offense.

SEC. 4. That the Secretary of Commerce and Labor shall make such regulations as may be necessary to secure the proper execution of this act by collectors of customs and other officers of the Government.

The following committee amendment was read:

Page 2, lines 1 and 18, strike out the words "less than $1,000 nor."

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. HUMPHREY of Washington. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Washington is entitled to twenty minutes and the gentleman from Wisconsin to twenty minutes.

Mr. STAFFORD. I would like to have some explanation of this bill. Is it the bill which was considered by the Committee on Merchant Marine and Fisheries and reported in the House some weeks ago?

Mr. HUMPHREY of Washington. This is practically the same bill as the House passed at the last Congress and sent to the Senate. This is a Senate bill that comes back to us, and there is no change in the Senate bill except to strike out the words "not less than $1,000," and leave it so that it reads "not more than $5,000."

Mr. DAWSON. I would like to ask the gentleman a question.

Mr. HUMPHREY of Washington. I will yield.

Mr. DAWSON. I would like to inquire if this bill undertakes in any way to regulate the wireless telegraphy.

Mr. HUMPHREY of Washington. No.

Mr. FITZGERALD. If the gentleman will permit, what is meant by the expression, "shall not leave any port of the United States?" For instance, along the Atlantic coast there are a number of boats that carry from 100 to 200 people that go out on fishing excursions; they go out of a port of the United States, some port, and stay out of it all day long. They are not equipped with this wireless apparatus, and yet under this bill if they take these passengers out for fishing purposes they may be subject to a fine not exceeding $5,000.

Mr. HUMPHREY of Washington. Has the gentleman read the clause where it states "between ports not more than 200 miles apart?"

Mr. FITZGERALD. It states that this act shall not apply to vessels plying between ports less than 200 miles apart, but outside of that there are vessels carrying 50 persons or more, including passengers and crew, that leave a port of the United States.

Mr. HUMPHREY of Washington. If there are any vessels that carry 50 passengers or more that go 200 miles away from any port of the United States, they ought to carry this wireless apparatus.

Mr. FITZGERALD. But the gentleman does not limit it to vessels that go a distance of 200 miles from a port. Let me read you what it says. The gentleman may have intended to do it, but the bill does not do it.

It shall be unlawful for any ocean-going steamer of the United States, or of any foreign company, carrying passengers and carrying 50 or more persons, including passengers or crew——

Mr. HUMPHREY of Washington. But it says:

That the provisons of this act shall not apply to steamers plying between ports less than 200 miles apart.

Mr. FITZGERALD (continuing):

To leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio-communication—

And so forth; and then it says:

Provided, That the provisions of this act shall not apply to steamers plying only between ports less than 200 miles apart.

Now, there are vessels that go out of ports of the United States that do not ply between any port within 200 miles, carrying over 50 persons.

Mr. HUMPHREY of Washington. Where do they go? Then it would not apply to them.

Mr. FITZGERALD. Why not? It leaves a port. What in this bill excludes a vessel which just goes out of port for a couple of hours and then comes back?

Mr. HUMPHREY of Washington. They have to go 200 miles from the port of departure.

Mr. FITZGERALD. The only vessels exempted from the provisons of this act are those plying between ports less than 200 miles apart. These vessels do not ply between ports at all.

Mr. ALEXANDER of Missouri. This legislation is in the interest of saving human life. Why should it not apply to vessels whether they go to Europe or whether they go to sea and return?

Mr. FITZGERALD. I do not know whether it is in the interest of saving human life.

Mr. ALEXANDER of Missouri. It is a question of safety, not a question of distance, whether they go to one port or out to sea and return.

Mr. FITZGERALD. If that is true, it should apply to ports within 200 miles. This excludes practically all the coastwise traffic. Does this include vessels plying between New York and Fall River?

Mr. HUMPHREY of Washington. If not more than 200 miles it does. I ask for a vote.

Mr. MANN. I suggest to the gentleman from Washington that he amend this bill on page 2, lines 11, 12, and 13, by striking out the words:

Relating to the safety of the vessel or those on board, the ship's position, weather, and information to aid navigation.

Mr. HUMPHREY of Washington. I have no objection.

Mr. DAWSON. Should not the gentleman's amendment also include striking out the words "to be determined by the master of the vessel?"

Mr. MANN. Oh, no; I think not. I think there ought to be somebody to determine it.

Mr. DAWSON. If that is left in, will it not destroy the purpose of the amendment?

Mr. MANN. No; I think not. You must leave it to somebody. My amendment is to strike out all after the word "messages," in line 11, down to and including the word "navigation," in line 13, so that it will read:

Exchange, as far as may be physically practicable, messages with shore or ship stations using other systems of radio communication.

Mr. HUMPHREY of Washington. I have no objection.

The SPEAKER. The gentleman asks unanimous consent to modify the motion, so as to pass the bill, including the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out, in lines 11, 12, and 13, on page 2, the words: "Relating to the safety of the vessel or those on board, the ship's position, weather, and information to aid navigation."

The SPEAKER. Is there objection to the request to modify the motion so as to include this amendment?

There was no objection.

The question being taken (and two-thirds voting in favor thereof), the rules were suspended, and the bill passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 20376) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1911, and for other purposes, and had further insisted upon its amendment disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. SMOOT, and Mr. TAYLOR as the conferees on the part of the Senate.

LAND AND FUNDS OF THE CROW TRIBE OF INDIANS, MONTANA.

Mr. BURKE of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6995) for the division of the land and funds of the Crow tribe of Indians in the State of Montana, and for other purposes, with a House amendment and an amendment to the House amendment.

The SPEAKER. The gentleman from South Dakota moves to pass the Senate bill with a House amendment, with amendment to the House amendment, and the Clerk will read the House amendment in the nature of a substitute and also the proposed amendment to the substitute.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the unsurveyed land embraced within the limits of the Crow Indian Reservation, in the State of Montana, and to cause an examination of the same to be made by the United States Geological Survey, and if there be found any lands bearing coal, oil, or other valuable minerals, the Secretary of the Interior is hereby directed to reserve such lands from allotment or disposition until further action by Congress: *Provided*, That the Secretary of the Interior shall reserve any lands chiefly valuable for power or reservoir sites within said reservation, subject to such disposition as Congress may direct, and the Secretary of the Interior shall report to Congress annually all power and reservoir sites set aside and reserved under the provisions of this or any other act.

SEC. 2. That so soon as all the lands embraced within the said reservation shall have been surveyed allotments of the same shall be made under the general allotment laws to all persons having tribal rights with the said Indians who have not heretofore received allotments of land and to all deceased children, born subsequent to December 31, 1905, who were entitled to allotment, by or for whom a selection of land was made and duly recorded at the Crow Agency: *Provided*, That hereafter allotments shall be made under the provisions of this act to all children of Indians affected hereby so long as the tribe shall be possessed of any unallotted tribal or reservation lands: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *And provided further*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization heretofore engaged in mission or school work on said reservation, for such lands thereon (not exceeding 162 acres to any one such organization and not included within any town site hereinafter provided for) as have been heretofore set apart to such organization for mission or school purposes: *And provided further*, That the Secretary of the Interior is hereby authorized to set apart and reserve the site known as the "Reno battlefield:" *Provided, however*, That the lands to be so set aside shall be determined by the commissioners hereinafter authorized to inspect, classify, and appraise the surplus lands, subject to the approval of the Secretary of the Interior.

SEC. 3. That upon the completion of said allotments the President shall appoint a commission consisting of three persons to inspect, classify, and appraise all of said lands that shall not have been allotted in severalty to said Indians, or granted, reserved, or otherwise disposed of by the terms of this act, said commission to be constituted as follows: One of said commissioners shall be a person holding tribal relations with said Indians, one representative of the Interior Department, and one resident citizen of the State of Montana. That said commission shall be governed by regulations prescribed by the Secretary of the Interior, and the classification and appraisement of all of said land shall be subject to the approval of the Secretary of the Interior. That within thirty days after their appointment said commissioners shall meet at some point within the Crow Indian Reservation and organize by the election of one of their number as chairman. That

said commissioners shall then proceed personally to inspect, classify, and appraise, in tracts of 160 acres each, all of the remaining lands embraced within said reservation: *Provided*, That irrigable lands shall be appraised in tracts of 40 acres each. The classification and appraisement of said lands shall be made according to the following classes: First, agricultural land; second, grazing land; third, mineral land, but the mineral land shall not be appraised; fourth, timber land which shall be classified without regard to acreage and shall not be appraised, but shall be reserved for the use of the Crow Indians, the timber thereon to be disposed of under the direction of the Secretary of the Interior. Said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection, classification, and appraisement of said lands, and necessary expenses, exclusive of subsistence, to be approved by the Secretary of the Interior, such inspection, classification, and appraisement to be completed within one year from the date of the organization of said commission.

SEC. 4. That upon the approval of the classification and appraisement of said lands by the Secretary of the Interior, they shall be disposed of under the provisions of the homestead, desert-land, mineral, and town-site laws of the United States, except as hereinafter otherwise provided, and excepting sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections, or parts thereof, is lost to the State by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, nonmineral, nontimbered lands within said reservation, not exceeding two sections in any one township, which selections must be made at least sixty days prior to the date fixed by the President's proclamation opening the surplus lands to settlement: *Provided*, That the United States shall pay to the said Indians in the manner provided for in section 6 of this act for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of $2.50 per acre.

SEC. 5. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which they may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and prescribed in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands disposed of under the homestead laws shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior, upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in two, three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be again subject to entry under the provisions of the homestead law at the appraised price thereof: *Provided, however*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of land is $1.25 per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of five years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act, and sold to the highest bidder for cash, under such regulations as the Secretary may prescribe, in tracts not exceeding 320 acres to any one person, but no land shall be sold at less than the appraised valuation.

SEC. 6. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums to which the said tribe may be entitled, which shall draw interest at 4 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of the said Indians shall be at all times subject to appropriation by Congress for their education, support, and civilization: *Provided*, That the provisions of article 2 of the act approved April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriation to carry the same into effect," be, and the same hereby are, amended so as to repeal so much of the said act as has not been heretofore carried into effect, directing specific disposition of the proceeds of the sale of the ceded portion of the Crow Reservation, and that all the funds provided by said article not heretofore specifically disposed of be, and the same hereby are, directed to be deposited in the Treasury of the United States to the credit of the Crow fund herein provided for.

SEC. 7. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36, or their equivalent, in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of lands except as provided herein, or to guarantee to find purchasers for said lands, or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

SEC. 8. That before any of the land is disposed of as herein provided, and before the State of Montana shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of sections 16 or 36, or any portions thereof, by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of at public auction under such regulations as he may prescribe, in accordance with section 2381 of the Revised Statutes of the United States; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and patents shall be issued for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct, and he shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in aiding the construction of schoolhouses or other public buildings or in improvements within the town sites in which such lots are located. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid, less the amount set aside to aid in the construction of schoolhouses or other public buildings or improvements, shall be credited to the Indians as herein provided.

SEC. 9. That there is hereby appropriated the sum of $400,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana for school purposes and the Reno battlefield site at the rate of $2.50 per acre. And there is hereby appropriated the further sum of $100,000, or so much thereof as may be necessary, for the purpose of making the survey, appraisement, classification, and allotment provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribe.

SEC. 10. That the lands allotted, those retained or reserved, and the surplus land sold, set aside for town-site purposes, granted to the State of Montana, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

SEC. 11. That entrymen under the desert-land law shall be required to pay one-fifth of the appraised value of the land in cash at the time of entry, and the remainder in five equal annual installments, as provided in homestead entries; but any such entryman shall be required to pay the full appraised value of the land on or before submission of final proof: *Provided*, That if any person taking any oath required by the homestead or desert-land laws or the regulations thereunder shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury and shall forfeit the money which he may have paid for said land and all right and title to the same; and if any person making desert-land entry shall fail to comply with the law and the regulations under which his entry is made, or shall fail to make final proof within the time prescribed by law, or shall fail to make all payments or any of them required herein, he shall forfeit all money which he may have paid on the land and all right and title to the same, and the entry shall be canceled.

The following committee amendments were read:

Section 4, page 23, line 19, strike out the words "two dollars and fifty cents" and insert the words "one dollar and twenty-five cents."

Section 9, page 28, line 11, strike out the word "four" and insert the word "two."

Mr. FITZGERALD. Mr. Speaker, I demand a second.

Mr. BURKE of South Dakota. I ask unanimous consent that a second may be considered as ordered.

Mr. FITZGERALD. I object.

The question of ordering a second was taken by tellers.

The committee divided, and the tellers reported that the ayes were 63 and the noes were 47.

So a second was ordered.

The SPEAKER pro tempore (Mr. HULL of Iowa). The gentleman from South Dakota is entitled to twenty minutes and the gentleman from New York to twenty minutes.

Mr. BURKE of South Dakota. Mr. Speaker, this bill is to open the surplus lands of the Crow Reservation in Montana. It is the usual bill that has been passed in order to establish reservations. It has the approval of the department, and with this brief statement I desire to yield to the gentleman from Montana [Mr. PRAY].

Mr. PRAY. Mr. Speaker, at this time I should like to make a statement as to the purpose of this bill, and also briefly review the history of this legislation. The bill now before the House is exactly like the bill for the opening of this reservation that was favorably reported by the Senate committee in the Sixtieth Congress. It passed the Senate and was favorably reported by the House committee in that Congress, but we were unable to reach it on the calendar before adjournment.

This bill was unanimously reported; there was no opposition to the bill, then, either in the Senate committee or on the floor of the Senate or in the House committee. Now, at the beginning of this session of the Sixty-first Congress the same bill was introduced in the Senate, and I introduced in the House the very same bill. A hearing was had before the Senate Committee on Indian Affairs, and later on hearings were held by the House committee. Some alleged delegates came down here from Montana who said that they represented the interests of the Crow tribe. They employed attorneys here in Washington to look after their interests, and they entered into a contract to pay these attorneys $5,000 a year.

That contract is now held up in the Interior Department. That was the beginning of the opposition to this bill which was satisfactory to the Senate in the Sixtieth Congress, to the Indian Committee of the House, to the Interior Department, and undoubtedly would have been satisfactory to this Congress had it not been for the opposition that has recently developed on the other side of the Chamber. On June 10 the Committee on

Indian Affairs of the House reported H. R. 26675, to authorize the survey and allotment of lands now embraced within the limits of the Crow Reservation and the sale and disposition of the surplus and unallotted lands. There was no opposition to this bill in the committee, and the Interior Department would favor no other, as will appear fully from the department letter making a lengthy report thereon. A few days later the two Crow half bloods, their attorneys, and the Indian Rights Association were given a hearing before the committee and the later Senate bill and House bill were discussed.

The attorneys who appeared wanted to divide the lands among the Crows, if any action were to be taken. This would have meant an additional 1,250 acres to every man, woman, and child on the reservation. They already have from 600 to 2,000 acres to a family, and the testimony shows that Joe Cooper, one of the so-called delegates, has under his control 2,040 acres of land, of which he has managed to cultivate about 2 acres during the past twelve years. After all were heard who had appeared to oppose the opening of the reservation, the committee decided to offer the House bill as a substitute for the Senate bill, as there appeared to be no earthly reason why any more lands should be given to the Indians.

They had not cultivated 10 per cent of what they already held as allotments under a former opening, and to turn over the balance, amounting to about 1,700,000 acres, would result in perpetuating the reservation and tribal relationship. Of the lands they now hold, 60,000 acres are irrigated, and 100,000 more are capable of being irrigated. There was no minority report filed in the Sixtieth Congress against this House substitute, either in the Senate or in the House, and yet there were 800 pages of hearings to refer to on the Senate side, filled with all kinds of information and misinformation. The very same people were here then to oppose the opening of the reservation, and they are here again in this Congress.

Now, another word. The legislature of Montana has twice memorialized Congress to open up this reservation. The last time it was composed of about an equal number of Democrats and Republicans, and my recollection is that their action was unanimous. It is the only reservation now left in the State of Montana, with the exception of one small reservation in the northern part of the State, that has not been opened for the purpose of survey, allotment, and settlement of the surplus lands in accordance with the policy adopted some years ago by the Government. There seems to be no reason in the world why this reservation should not be opened up like other reservations, and yet, whenever such a thing is proposed, the most determined opposition is aroused. I know what the principal objection is—it amounts to nothing—it is simply an excuse, a pretext, and I will anticipate the objection now. It will be contended, according to the minority report, that there are 1,000,000 acres left over from a former opening that are unoccupied. The facts are that 1,150,000 acres were opened to settlement and 150,000 acres were entered, the Indians receiving about $300,000 in payment for the land. Under a policy of the Government then in vogue the Indians were to receive $1 per acre, or $1,150,000 for the land.

They were satisfied with that arrangement and that is all they ever expected to get for the land. Under the Lone Wolf decision, with which western Members are familiar, the policy of the Government was changed and the lands were opened to entry under the homestead, desert-land, and town-site laws, with the proviso that lands not taken at the end of five years should be sold by the Secretary of the Interior—I will not go into details about that. That period will expire in August and the President will issue a proclamation, and so forth, as required by law. Now, as a result of this change of policy, according to the judgment of conservative men, the Indians will get three or four times as much for their lands as they would have received under the plan to which they originally assented. In other words, they will get three or four million dollars and perhaps more instead of one million.

To put it another way, this summer and fall the Government, under a section of the bill passed in 1904, will be able to dispose of these lands for three or four or, perhaps, five million dollars, whereas, if they had been disposed of under the former policy they would have gotten exactly $1,500,000, and not a cent more.

Mr. COX of Indiana. Will the gentleman yield?

Mr. PRAY. Yes.

Mr. COX of Indiana. Are these dry lands?

Mr. PRAY. Yes.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BURKE of South Dakota. Mr. Speaker, I will yield one minute more to the gentleman in order that he may answer the question.

Mr. PRAY. They were partly dry lands, and the best lands were of course taken first. That is how there were 1,000,000 acres left over, as I have explained. Since then, within the last year or two, the Campbell system of dry farming has come in vogue, and such lands are being taken very fast by the settlers and are being profitably cultivated. The reservation should be opened at the earliest possible date and opportunity given the settlers to occupy the surplus lands.

Mr. FITZGERALD. Mr. Speaker, this is about as indefensible a bill as has been brought before the Congress during this session. It provides for the opening for settlement of the remaining portion of the Crow Reservation in the State of Montana. In the year 1904 Congress provided for the opening of what was known as the ceded portion of the Crow Reservation, consisting of 1,150,000 acres of land. It was assumed because of the demand for the opening of that tract that there was some desire on the part of some persons to settle on the lands. It was provided that the lands should be sold, as I recall, to homesteaders at $1.25 per acre, and the proceeds put to the credit of the Indians. Since 1904 there have been sold about 150,000 acres of the 1,150,000 acres. One million acres have not been taken. They are lying there now, and it is now proposed to turn on the market 2,000,000 acres additional, adjacent to those 1,000,000 lying idle. More than that, it appears from the reports of the department that the cattlemen have practically secured control of all of the water holes and water rights of this 150,000 acres, and practically have at their mercy the other 1,000,000 acres of land. Nobody else can profitably come in and enter the land, as it is pointed out in the hearings before the Senate committee. If those lands were offered for sale in 10,000-acre plots, they would willingly be taken up by the big stockmen and paid for at $2.50 per acre. This bill is opposed by the Secretary of the Interior and it is opposed by the Commissioner of Indian Affairs.

Mr. CAMPBELL. May I ask the gentleman a question there?

Mr. FITZGERALD. Yes; I will read——

Mr. CAMPBELL. If that is the statement of the Secretary of the Interior and the Commissioner of Indian Affairs——

Mr. FITZGERALD. The Secretary of the Interior says in a letter of January 21, 1910, and if I were on the Committee on Indian Affairs, as the gentleman from Kansas is, I would not be asking outsiders for this information——

Mr. CAMPBELL. I have read the letter.

Mr. FITZGERALD. The gentleman will find this on page 10 of the report in the minority views filed by the gentleman from Texas [Mr. STEPHENS], who up to this time has been unavoidably detained:

> It is respectfully recommended, therefore, that Senate bill numbered 3373, Sixty-first Congress, second session (being the Dixon bill, introduced in the House by the Representative from Montana), be not enacted into law, or at least that action thereon be deferred until the provisions of the bill can be explained to the members of the tribe in open council, with a view of procuring an expression of their views in the matter.

And then he goes on to say——

Mr. CAMPBELL. This is not the Senate bill.

Mr. FITZGERALD. But let me finish my statement.

> While it has been deemed appropriate to make suggestions at this time as to changes which should be made when the bill is considered, it is not intended thereby to intimate that this bill should receive favorable consideration now.

The Commissioner of Indian Affairs, before the Senate Committee on Indian Affairs, speaking of one of these bills, said:

> The department is opposing the opening of the reservation this year at any rate; there should be further examination, both as to the fact that the ceded strip and as to actual conditions of the diminished reservation, before we are in position to act with complete intelligence in the whole matter.

The fact is that both the Secretary of the Interior and the Commissioner of Indian Affairs and, as I recall correctly, Major McLaughlin, one of the most experienced Indian inspectors in the service, are opposed to this bill. We opened 1,150,000 acres of these lands of the Indians in 1904 upon the assumption they would be taken up by settlers. One million acres still remain undisposed of, and now it is proposed to open 2,700,000 acres additional.

Mr. Speaker, there are 41,000,000 acres of public lands in the State of Montana that can be entered by homesteaders. There are 1,500,000 acres in the Flathead Reservation in that State opened for settlement by those desiring homesteads, and yet the history of this Crow Nation seems to be repeated every few years, when by some arbitrary action of Congress they are deprived either of their money or of their property. These Indians were receiving substantial returns from the leasing of these lands, but by the acquisition of the water holes and water rights by the cattlemen 1,000,000 acres are lying there absolutely idle; and if these 2,000,000 acres be now thrown open un-

der this bill for settlement, instead of receiving an income of almost $200,000 a year for grazing purposes, it will put them in such a position that they can not receive a dollar. I hope, in view of the fact that this bill is opposed by everybody who in authority in the executive department charged with the care of the Indians and the safeguarding of their property, in view of the fact that the department and the Indian Office ask that no action be taken at this time, that this bill will not be passed under suspension of the rules, with amendments read here at the desk of which it is imposible to obtain a copy. How much time have I occupied, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has occupied seven minutes.

Mr. FITZGERALD. I yield five minutes to the gentleman from Texas [Mr. STEPHENS], who filed the minority report upon this bill.

Mr. STEPHENS of Texas. Mr. Speaker, I filed the minority report against the passage of this bill for several reasons, and among them was the objections of the Indians themselves to the bill and their protest against its passage. These Indians were not permitted to come before the Indian Committee and urge their objection to the passage of the bill, as they requested. They believed that they were entitled to have their day in court, like any other citizen of this country; many of them are citizens and voters. I think that this refusal by a majority of the committee was a very important objection and was another reason why I filed the minority report. I believe that the persons who are urging the passage of this bill are cattlemen living in that country, and who now desire to secure the rest of these Indian lands for grazing purposes.

In 1904 a part of this reservation—1,500,000 acres—was thrown open for sale, and cattlemen understanding the situation there bought, under the provisions of the bill, a small part of it—about 150,000 acres of it—making their purchases so as to include the water holes and the streams where there was living water. The land was appraised by the Interior Department and was sold at its appraised value without any competitive bidding, as I contended should have been done by this bill. My experience is, and the protest of the Indians shows, that these lands were not appraised at their full value, and if this bill becomes a law the Indians will be likewise defrauded by undervaluation.

Lands not sold under competition always bring a very small amount. This bill should have provided for sales by public auction or by sealed bids. There was 1,500,000 acres of land in the reservation that was sold under the act of 1904, and up to that time the Indians had been receiving $165,000 a year as lease money on this 1,500,000 acres of those lands. When that bill passed the Indians were deprived of this lease money. That was an annual amount of money coming to them and helped them a great deal in the payment of their debts and living expenses.

Now, if we pass this bill all the lease money they now receive will be lost to them, as in the case of the sales under the 1904 act. The cattlemen will get the grass, because the streams running through that country contain the water. The balance of the country is high-rolling prairie, and some of it very hilly land. It has good grass upon it, and the man who controls the water holes and streams will control the entire country. The cattlemen, now demanding this legislation, can, under its provisions, likewise control that land without paying anyone for the grass on the unsold part. Under the act of 1904 the cattle and sheep men, by buying 150,000 acres of these Crow lands, control the whole 1,500,000 acres and pay nothing for the grass on the unsold part.

They propose now by this bill to take the rest of this land from the Indians in the same way. The lease money would amount annually to more than this land if sold under this bill will bring.

Mr. CAMPBELL. May I ask the gentleman a question?

Mr. STEPHENS of Texas. Certainly.

Mr. CAMPBELL. I will ask the gentleman if he was present when a firm of attorneys representing these cattlemen appeared in opposition to this bill before the committee?

Mr. STEPHENS of Texas. The attorney representing the Indians appeared the day after you reported this bill over my protest.

Mr. CAMPBELL. Oh, no; the gentleman from Texas did not protest against the report on the passage of the bill until after it had been reported. My recollection is that this bill was reported by a unanimous vote.

Mr. STEPHENS of Texas. The gentleman is entirely mistaken. That was the Senate bill.

Mr. McGUIRE of Oklahoma. I understood the gentleman to say——

Mr. STEPHENS of Texas. I can not yield; I have but another minute.

The gentleman from Oklahoma should be the last man to urge the passage of this bill through this House. This bill opens the land without competitive bidding. In the State of Oklahoma no town lots or any Indian lands have been sold recently unless they were sold to the highest bidder; and in this case, if these Crow Indian lands are to be sold at a price fixed by appraisement by some man in the department, it ought to be sold to the highest bidder, like the Oklahoma lands. This mode of sale shows that there is something wrong about it. This land is supposed to have coal underneath it, and possibly other valuable minerals; and in case this land is sold under this bill it will carry all the mineral rights with it to the purchaser. The coal or other valuable minerals in this land may be worth several millions of dollars. We should reserve the coal, oil, and other valuable mineral substances for the Indians, and then they can be leased by the Government and the Indians would have an annual royalty on them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FITZGERALD. I yield two more minutes to the gentleman.

Mr. STEPHENS of Texas. Mr. Speaker, these lands should have the surface sold on competitive bids and only in 160-acre blocks. They should be put up and sold at auction to the highest bidder or under sealed bids, just as the Indian lands in Oklahoma have recently been sold.

I see no reason for having one rule in one part of the Government and another rule in another part. We should reserve the coal and other minerals for the use and benefit of these Indians. The surface should be sold separately from the minerals, which should be reserved, and the grass, timber, and whatever else is on the surface should be sold so they could be used by the farmers and stockraisers. Let them have the benefit of it, but we should reserve to the Indians, for leasing purposes, the coal under the surface, so they would get pay for the coal and so that the railroad companies could not combine with coal monopolies, and under this bill buy these lands and get possession of those minerals and levy tribute for coal for all time on the surrounding country. To recapitulate, this bill should be defeated, first, because it is in the interest of the cattlemen; second, because it would injure the Indians by taking from them their lands over their protest; third, the minerals should be reserved for the use and benefit of the Indians and leased by the Government, so that the Indians would get the full value of their coal and other minerals.

Mr. JAMES. Who fixes the price?

Mr. STEPHENS of Texas. It would be fixed in the department. It is put under their control.

Mr. CAMPBELL. Does not the gentleman know that the mineral rights are all reserved in this bill?

Mr. STEPHENS of Texas. The rights are not reserved to the Indians; it is for the cattlemen, the men who are behind this bill.

Mr. CAMPBELL. I know that the cattlemen are opposed to this bill [laughter] as I shall show before this debate is over.

Mr. STEPHENS of Texas. The gentleman is showing a great deal of feeling in this matter. What is behind this bill? Why this indecent haste? Why not give the Indians time to come before the committee and urge their rights?

Mr. CAMPBELL. There has been no indecent haste. It was before the committee for four years.

Mr. STEPHENS of Texas. Here is their protest against it, and you have not heeded their protest at all, but have presented this bill in this manner and are endeavoring to rush it through this House. I hope it will not be done, for the reasons I have given. [Applause.]

Mr. Speaker, I desire to print as part of my remarks the minority report and the protest of the Indians against this bill. They are as follows, viz:

HOUSE BILL RELATING TO THE CROW INDIAN RESERVATION IN MONTANA.

The undersigned, a minority of the House Committee on Indian Affairs, opposes the passage of the House bill above referred to for the reason that said bill violates the rights of the Indians; that it is proposed to be passed over their protest; that the bill would deprive them of their property; that its passage at this time has been opposed by the Commissioner of Indian Affairs and the Secretary of the Interior in reports to Congress as unjust to the Indians and unnecessary at this time; that it would enable cattlemen and sheepmen who are now paying the Indians a large sum of money on leases to escape further payments, and at the same time for a trifling sum to acquire control of nearly 2,000,000 acres of the Crow Reservation by taking up claims on the water holes and water courses on the reservation and thereby control the remaining lands of the reservation without payment of lease

money to the Indians, just as they are at this time in control of 1,150,000 acres ceded by the Indians to the Government of the United States in 1899, and for which, notwithstanding the Indians were promised $1,150,000, they have received less than $300,000, owing to the fact that the only lands sold under the law of Congress providing for compensation to the Indians have been 110,000 acres, as shown by a report made by the Secretary of the Interior, control of these 110,000 acres enabling the parties taking up the same to control without payment the balance of the ceded strip of 1,150,000 acres transferred by the Crow Indians to the United States in 1899 and opened to entry by the United States under the act of April 27, 1904. That its enactment would be a fraud on the Indians in favor of a few large special interests and would mark a backward step in Indian progress.

There are at this time in the State of Montana 41,000,000 acres of public lands and provision has been made for the opening of nearly 1,500,000 acres of the Flathead Indian Reservation in Montana, so that it is apparent that there is no demand for the opening of additional land in that State, except for the benefit of certain speculators who desire at a cheap price to get possession of the water courses and water holes of the reservation, and thereby be enabled to have a free range over the lands dominated and controlled by these lands containing the water rights.

That this is the obvious intent and purpose of the House bill is shown by the fact that the bill is substantially similar to the act of 1904, under which the ceded strip of 1,150,000 acres formerly held by the Crows was opened to settlement, with the result that whereas the Indians were promised therefor $1,150,000, they have received less than $300,000, of which $90,000 was for school lands paid by the United States, and have been defrauded ever since out of the use and occupation of the million acres in the ceded strip that have not been sold, but which, as stated, are controlled by entry of the 110,000 acres taken up by parties controlled by the interests seeking to use the million acres without compensation to the Indians. During the past year, for the first time in many years, a real competition was forced upon the cattle and sheep men leasing lands from the Indians on the present reservation, and as a result the present lands of the Crow Reservation not allotted to such of the Indians as have received allotments were leased for an aggregate of $165,000, or four times what had been paid the Indians therefor. It is now proposed by the scheme of the House bill to enable these interests through dummies to take up through homestead or desert-land entries such of these lands as they choose, and at a cost of only about the present leasing value for one year of the lands acquire sufficient lands to dominate and control without payment the entire balance of the reservation.

This matter was exposed before the Senate Committee on Indian Affairs, and as a result the Senate committee, and subsequently the Senate, rejected a bill similar to the House bill, and instead reported, and the Senate passed, a bill which is fair to the Indians, recognizes their rights in their lands granted them by treaty with the United States in 1868, and provides for the opening of the reservation to white settlement by division of all of the reservation among the Indians in individual right, with full and ample provision made whereby white settlers can obtain by purchase from the Indians, under the supervision of the Interior Department, all except the homestead reserved to the Indian, at a price to be mutually agreed upon between the purchaser and the Indian, subject to the approval of the Department of the Interior, in order to prevent imposition on the Indians.

The Crow Reservation is situated in the southeastern part of the State of Montana. It formerly comprised approximately 3,800,000 acres of land, and title was vested in the Crow tribe of Indians by a treaty between the tribe and the United States through General Sherman and other treaty commissioners, the treaty being signed May 7, 1868. By the terms of the treaty the Indians, who theretofore had certain rights in a much larger tract, ceded to the United States all their rights and title to and in lands except a certain defined area whose boundaries were carefully set forth, comprising the present reservation and the ceded strip hereinbefore referred to. By Article II of that treaty it was provided that in consideration of the cession by the Indians of all their right and title to their lands they should have their present reservation, and it was provided that the lands comprising the reservation—

"shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this treaty for the use of said Indians." (2 Kappler, 1008.)

In Holden *v.* Joy (17 Wall., 211) and other cases, the Supreme Court of the United States has held that the effect of a treaty with the Cherokees containing similar provisions was to give the Cherokees a title in fee simple in common in the land described, but subject to the condition of a preemption right of purchase in the United States; and in the case of the New York Indians *v.* The United States (170 U. S.) the Supreme Court held that the quitclaim by the Indians of all their right or claim to other lands was a good and valid consideration, thus showing the title of the Indians to their present reservation to be not merely an occupancy right, but a fee title.

On August 14, 1899, by an agreement concluded between Benjamin F. Barge, James H. McNeeley, and Charles G. Hoyt, as commissioners on behalf of the United States, and the Crow tribe of Indians, the Crow tribe ceded to the United States a strip of territory comprising 1,150,000 acres of land situated along the northern border of their reservation, and the United States, "in consideration of the lands ceded, granted, and relinquished" to it, agreed to pay to the Indians $1,150,000, which sum it was provided should be expended in certain defined ways for the benefit of the Indians, including certain funds for irrigation purposes and certain other funds for cattle and horses, the Crow Reservation being especially well adapted as a grazing country and for the breeding of live stock.

This agreement was not acted upon by Congress finally until 1904, when Congress by act approved April 27, 1904, adopted the agreement, but with certain modifications. Under the provisions of this act the land was ceded to the United States, and it was provided that instead of receiving $1,150,000, that the United States, as trustee, would sell the 1,150,000 acres ceded under the provisions of the reclamation, homestead, and mineral laws of the United States and would pay the Indians the net price received, together with $1.25 per acre for the sixteenth and thirty-sixth sections of the reservation granted to the State of Montana for school purposes.

By section 8 of this act the United States, however, renounced liability to pay the Indians $1,150,000, as agreed, but provided as follows:

"That nothing in this act contained shall in any manner bind the United States to purchase any portion of the lands herein described, except sections 16 and 36, or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided."

The Indians were promised that under the provisions of this modified act they would receive within a reasonable time a considerably larger sum than $1,150,000, and that the United States would give them the net proceeds, expenses of sale merely being deducted. It was further provided that any lands not disposed of within five years should be offered for sale by proclamation of the President and sold, this being pursuant to the policy that the United States, as trustee, should not profit from sale of its wards' lands.

No such proclamation at any time has been issued, though the five years has been up for a long time.

The present bill reported by the majority of the House committee, notwithstanding the injustice done the Indians and the patent fact that the act of 1904 operated for the benefit of a few persons only, purposes to continue as to the present diminished reservation practically the provisions of the act of 1904.

How the act of 1904 has operated is disclosed in a report made by the Secretary of the Interior to Senator NELSON, chairman of the Senate Committee on Public Lands, under date of January 21, 1910. In this letter Secretary Ballinger said:

"By the act of April 27, 1904 (33 Stats., 253–256), the Congress modified and amended this agreement (that with the Crows of August 14, 1899) so as to provide for the disposal of the ceded lands under the reclamation act, and the homestead, town-site, and mineral laws of the United States, at not less than $4 per acre, $1 to be paid at the time of entry and the remainder in four equal annual installments.

"Under the provisions of the act of April 27, 1904, approximately 110,108 acres of the ceded part of the Crow Reservation have been disposed of, the proceeds derived therefrom amounting to approximately $231,057.14. There was appropriated by the act $90,000 to pay for the lands within the ceded part of the reservation granted to the State of Montana for school purposes, making a total of $321,057.14 derived from the sale of these lands, from which has been deducted $36,291.10 to reimburse the Government for the expenses incident to the survey, allotment, and disposal of the ceded tract. The net proceeds, therefore, available for the benefit of the Indians derived from the sale of the ceded tract is approximately $274,766.04.

"The chief supervisor of the Indian Bureau attended a recent council of the Crow Indians. In an informal discussion of the question of the disposal of a part of the diminished reservation entered into by the Indians during the council proceedings they were bitterly opposed to the sale and disposal of any part of their reservation. The Indians contended that their agreement of August 14, 1899, by which they were to receive $1,150,000 for the ceded tract, was not lived up to by the Government; that had the money stipulated for in that agreement been expended in the purchase of sheep, stock, and cattle, as contemplated by the agreement, they would require all of the lands within the diminished reservation for grazing purposes. It is further contended by the Indians that they will require all of the diminished reservation as soon as all of the lands within the ceded portion are sold and the proceeds derived from the sale thereof expended as provided for in the agreement as amended by the act of April 27, 1904, supra. The Indians are unable to realize the necessity for the sale and disposal of the surplus lands of their diminished reservation while upward of 1,000,000 acres of the tract ceded by the treaty of August 14, 1899, remain unsold.

"It is respectfully recommended therefore that Senate bill No. 3373, Sixty-first Congress, second session (being the Dixon bill, introduced in the House by the Representative from Montana), be not enacted into law, or at least that action thereon be deferred until the provisions of the bill can be explained to the members of the tribe in open council, with a view to procuring an expression of their views in the matter."

The Secretary then, however, said to Congress that if the bill were to be reported he would recommend certain changes, of which one of the principal ones was a provision intended to protect the Crows from spoliation of their coal lands, recent investigation by the Geological Survey having shown their lands contained valuable coal deposits. In conclusion, however, the Secretary, in order that by suggesting amendments to the bill he should not be considered as favorable thereto, ended his letter as follows:

"While it has been deemed appropriate to make suggestions at this time as to changes which should be made when the bill is considered, it is not intended thereby to intimate that this bill should receive favorable consideration now."

The Indians upon learning through the public press and otherwise that Senator DIXON had introduced his bill, substantially identical to that reported by the majority of the House Committee at the instance of the Member of the House from Montana, memoralized the Secretary of the Interior for permission to send a delegation to Washington to oppose the adoption of the proposed measure. This authority was granted and a delegation appeared before the Senate Committee on Indain Affairs and full and complete hearings were had.

The result of these hearings was that the Dixon bill was abandoned and in lieu thereof the Senate committee reported a substitute bill which was passed by the Senate and which it is now proposed by the House committee to supplant with the bill reported by the majority in the interest of a few cattle and sheep men who seek to control the reservation, regardless of the rights of the Indians and the interests of the real settlers.

The developments at the Senate hearings, the minority believe, are a sufficient reason in themselves why the House should reject the bill reported from the House committee, said report being made originally in ignorance of the fact by the members of the committee of the hearings before the Senate and without later opportunity fully to consider those hearings.

At these hearings the delegation of 18 members of the Crow tribe, 3 being sent from each district of the tribe, unanimously voiced a protest against opening of the diminished reservation as proposed in the bill of the majority. The ground upon which the protest was chiefly put was that the Indians ten years previously had ceded to the United States 1,150,000 acres, and that of that immense tract, which had been opened since 1904, only 150,000 acres had been taken, and that it was proposed, notwithstanding the Crows had 1,000,000 acres of their lands lying idle, which they could not use and from which they secured no revenue, and

which were being used by cattle and sheep men to the exclusion of settlers, to open 2,000,000 acres more of their lands by the same method.

Thus, at page 29 of the Senate hearings, of March 10, 1910, Frank Shively, a member of the delegation, said:

"The bill opens up practically 2,000,000 acres—accurately speaking, 1,700,000 acres—of the diminished reservation for settlement. Now, there were 1,150,000 acres opened April 27, 1904, and there were only 150,000 acres settled upon, leaving 1,000,000 acres untaken, with promises that they should be settled upon. We had been given assurance that they would be taken and that we would get our money. Now, why, if that 1,000,000 acres is lying out there idle, jump from 1,000,000 acres over to another 2,000,000 acres, make use of the other 2,000,000 acres?

"Senator STONE. How much did you say was first ceded to the Government or opened up—one million and what?

"Mr. SHIVELY. One million and one hundred and fifty thousand acres.

"Senator STONE. And 150,000 of that has been disposed of?

"Mr. SHIVELY. Has been disposed of; yes, sir.

"Senator STONE. Leaving 1,000,000 still vacant?

"Mr. SHIVELY. Still vacant; yes, sir; and this new bill comes over, leaving 1,000,000 lying there idle, which we had before and for which we would receive revenue if it were not thrown open."

The reason why this 1,000,000 acres was not taken, it developed on examination of the Indians by the members of the committee, was due to the fact that the Crow reservation is only well watered in parts and that much of the land lay back in the hills and mountains from the streams and that the hill land had comparatively few water holes, making control of the water a means of controlling the land. Thus, Morris Schaeffer, a Crow delegate, who, it appeared, farmed his entire 160 acres, said:

"The people are clamoring for about 2,000,000 acres more land. Why is it that they do not look upon the million acres that we ceded to them? The white settlers have already taken the land that is by the rivers and streams and wherever there are water holes, and the remainder is all hilly and rough. Therefore the settlers do not want to take those places. We have received no payment for that land for a long time. They kept promising us to make a payment for that strip. Why is it that they want to throw open the diminished reservation? Something will result with the diminished reservation if it is thrown open. The white people would settle upon it where there is water, and the rest of it would be lying idle. As it is now, we are deriving some revenue from this land."

Another Indian delegate named Davis said the cattle and sheep men controlled the water land that had been taken up.

On inquiry from the Commissioner of Indian Affairs to the Indians it was developed that at this time the lessees—cattlemen and sheepmen—were paying $165,000 a year for the privilege of grazing such of the reservation as was not allotted to the Indians, with the right in the Indians of grazing their own cattle and sheep as well upon the lands that were leased.

Senator DIXON himself admitted that the Indians had not been justly treated, at page 33 of the hearing, saying:

"Now the Indians, as they see it, have undoubtedly a kick coming, because the lands laid there four years. The President to-morrow, if he should issue a proclamation to sell that land, I will pledge you my word that these Indians will get—and I am going to put it very modestly—instead of the $1,000,000 they agreed to sell for, $2,000,000, and my cold judgment is that they will get $3,000,000, and they ought to have it, because they have waited nine years for their money under their original agreement."

The mode whereby the Senator thought this amount could be received if the President would issue a proclamation was set forth by him as follows:

"Now if that (the unsold land on the ceded strip) was thrown open to-day, the big stockmen would be most anxious to get it, and if it could be sold in 10,000-acre tracts, so they could buy it and use it economically for grazing purposes, it would sell before the sun goes down at $2.50 an acre; but on this flat, unentered tract, where there is little water for domestic purposes, men can not go there and successfully farm it. There is no way to get their drinking water. That is away from the public lands. It would be dry farms, some of it, and they could live down in the valley and cultivate up there."

Senator DIXON further said that the reason why more of the land had not been taken—in addition to the fact that the settlers would not go in and take 160 or 320 acres only, except where the water courses were—was that the ceded strip under the law was opened only under the homestead, reclamation, and mineral laws, and that persons would not go in and take the land and pay the price to the Indians with the provision, likewise, that they would not get title until five years afterwards, as was required under the homestead law.

Notwithstanding this statement, it is proposed by the House bill to open up the present reservation under the homestead and desert-land laws, whereby five years' residence or cultivation will be requisite before title can be obtained. This time limit is to the cattle and sheep men of no importance, for it exactly suits their purposes and fastens their control. After this five years then it is proposed to sell all that remains for such price as it will bring. The consequence, it is perfectly obvious, would be that such of the land as had water would be taken up by persons acting in behalf of the cattle or sheep interests, and thereby the balance would be dominated for a period of five years, when the whole would be thrown on the market and cattle and sheep speculators obtain the same at such prices as they chose to make.

That the Indians understood this was apparent from the hearings, because they said, in answer to questions, that they had been told this 1,000,000 acres would bring so much more money than had been agreed to be paid them, but they had never after ten years seen the money, and before they sold any more land they wanted to see those promises kept. Apparently this was the view of certain Senators also, for at page 93 of the hearing Senator CHAMBERLAIN said:

"There is one matter that I do not understand here. It appears at this investigation that the lands which have been ceded to the Government have never been taken up—only a small section of them have been taken up—and it was represented at that time that if that land was ceded to the Government it would fill up with homesteaders. Now, if that has not been settled, why do the promoters of this bill desire to pen up an additional tract on the reservation when that has not been taken?"

That a large part of the reservation will be grazing land and, furthermore, that large areas will be required for successful operation, is apparent from the statement of the Indian agent that for each beef cattle grazed 20 acres of land had to be allowed by the cattle herder.

During the course of the hearings it was made evident to the Indians that the pressure was so great to break up their tribal relations and their communal or reservation holdings that they, if opposed to the scheme proposed by Senator DIXON, must get together upon some other provision whereby severalty would be substituted for the tribal system. Senator DIXON voiced this sentiment at page 122 of the hearings by saying to the Indians:

"I do not think I violate any confidence in saying that that reservation is going to be opened in the next year or two. I would suggest to the Indians present that you had better get together, while you have a full authoritative delegation here, with somebody, the commissioner or somebody else, and discuss the terms."

The Commissioner of Indian Affairs, Mr. Valentine, who was present at the hearing, announced to the committee that he and his office were opposed to opening up the reservation at this time, saying at page 115:

"The department is opposing the opening of the reservation, this year at any rate; that there should be further examination, both as to the fact of the ceded strip and as to the actual conditions of the diminished reservation before we are in position to act with complete intelligence in the whole matter."

The Indians, taking heed of the statement of Senator DIXON and believing that they must act, held a number of consultations of the delegation in this city and sought legal advice. They were opposed to any action at this time, but it being made manifest that their system of communal holdings could not endure, they reached an agreement upon a plan whereby their communal holdings would be individualized and the reservation divided in severalty among themselves as the owners of the title in the soil with full and ample provisions for a sale of their surplus holdings as rapidly as there was a market or demand for them. The Indians under the insistence of Senator DIXON, who, they state, consulted likewise with the other members of the Montana delegation from time to time, with the aid of their counsel, drafted a measure along the lines of the Osage, the Kaw, and the general outlines of the legislation of Congress relating to the Five Civilized Tribes. This measure was submitted, as the hearings of the Senate show, to Senator DIXON and finally was agreed upon as a substitute measure upon which the Indians and the Senator could unite.

A conference was held, and upon an agreement being reached between the Indians and Senator DIXON, the latter introduced the bill agreed upon as a substitute for his original measure. With a very few modifications, chiefly verbal, this substitute was adopted by the Senate committee and passed by the Senate. Under the circumstances, for an attempt now to be made to pass a different measure through the House would be a violation of an understanding with the Indians, and certainly would not tend to create a feeling on their part that they will be justly dealt with. The report of the Senate committee, No. 526, and the hearing of March 10, 1910, show clearly that the Senate bill was the result of an agreement between the Indians and the Montana Member on the Senate Committee on Indian Affairs, because at the outset of the hearing counsel on behalf of the Indians, Senator DIXON being present, said:

"Mr. Chairman and gentlemen, at the request of the committee of three, which the Crow delegation left behind to look after all matters relating to the interests of the Crow tribe, we have drafted a bill, which has been introduced by Senator DIXON, and in which, after a thorough consultation between the members of the Crow delegation left behind and also at which the Senator from Montana was called in, we have what we believe to be a bill that is in good form and protects the interests of the Crow people. The essential feature of the bill is that it abandons tribal organization and ends the community of land holdings, vesting in the individual the entire property of the Crow Reservation, reserving, however, to the tribe any coal, oil, or gas, and also making a reservation of three mountains in order to conserve the timber and water supply.

"The Crows seven or eight years ago were ration Indians. That system was abandoned, and they have progressed very far, and we believe that if this goes through and they become individualized, as it were, the result will be a very considerable advancement in civilization.

"Senator DIXON. You had suggested amendments. Just call attention to the suggested amendments."

These amendments were thereupon laid before the committee, and a comparison of the bill as introduced by Senator DIXON and as passed by the Senate shows that they are one and the same, except that the bill as finally passed was polished a little from the form in which it had been introduced, as a result of more careful attention to phraseology.

That the Senate bill, furthermore, is practically an agreement between official government representatives and the Indians is shown by this telegram sent by Senator DIXON to the Billings Chamber of Commerce and published in the Montana press:

"The delegation of Crow Indians still remaining here has agreed to a modification of the original bill providing for the opening to settlement of the reservation, based on the following general proposition:

"Instead of allotting homesteads to the Indians and throwing open to settlement excess lands under the homestead law, the settler to pay an appraised value; that all of the lands be allotted in severalty to the Indians, and the individual Indian be permitted to sell his excess allotment under the supervision of the department to the purchaser.

"In this way the proceeds will be individualized to the separate Indians immediately instead of going into the tribal fund.

"I think the result will be that the country will be settled quickly as under the first plan, and I have to-day introduced a bill along these lines, which I hope will receive favorable consideration at an early date."

The Senate bill, as official documents in the Department of the Interior from the United States Indian agent show, was referred back to the Crow tribe in order that there might be no question as to ratification by the tribe of what the delegates left in Washington had done. The Indian agent, Maj. S. G. Reynolds, called a council of the tribe at the Crow Agency, with ample notice to all Indians to be present, and as a result resolutions were passed approving the bill enacted by the Senate, a few amendments only being suggested, of which the chief was that they should receive $3 per acre, instead of $1.25 per acre for the lands ceded to the State of Montana for school purposes. As the State of Montana by its constitution will sell these lands for not less than $10 per acre, the Indians' claim for a larger price than $1.25 per acre would seem to be manifestly just.

In reporting upon the Crow general council just referred to, Agent Reynolds said:

"The Crows were very harmonious in their views regarding this matter at the council, and I hope now that matters are so settled that we can get them down to business, as the weather is fine and farming operations should be pushed as rapidly as possible."

With the letter the agent transmitted resolutions adopted by the council, over which James Hill presided as chairman and Jack Stewart as secretary, both members of the tribe.

In the face of this condition of affairs, it is now proposed to push through the House in the closing days of the session a bill containing

all the objectionable features and practically identical with the measure bitterly opposed by the Indians, and which, as to the ceded strip of 1,500,000 acres, it has already been shown has acted disastrously to the interests of the Indians and of real bona fide settlers, since the legislation of 1904 with reference to the ceded strip a million acres still remain untaken. The minority of the committee believe that the scheme of the House bill in its general outlines and the provisions in detail are objectionable, do not constitute a forward step in Indian affairs, and that, on the contrary, the Senate bill in its general scheme marks an advance step in Indian progress and in its provisions is a carefully worked-out transition, with due protection to the Indians from the communal to the individual estate.

Under the provisions of the House bill the Indian would receive no education whatsoever in business affairs. Under the provisions of the Senate bill he would receive a considerable measure of business experience in the handling of his surplus lands, and thereby be better enabled when his homestead only is left to manage the same.

The bill reported by the majority does not give the Indian any voice in the management and control of his estate. It does not recognize the fact that he is an individual, that he has a sense of justice and right, that he has a feeling natural to any person to have some voice in the management of his affairs, and that he has a title to the lands granted to him by solemn treaty with the United States. As early as 1872 Senators Edmunds, Conkling, Morton of Indiana, Davis of Missouri, and other old-time Republican leaders said on the floor of the Senate, as the CONGRESSIONAL RECORD of those days shows, that treaties such as the Crows have gave them a right and title in fee to the lands of which they should not be deprived over their protest. It is now attempted over objection of the Indians to deprive them of their grazing lands in the interest of a few persons claiming to act for settlers.

The minority of the committee believe that the day has come when the tribal state of the Indians must be broken up and he must become an individual member of the community, but they do not believe that this should be brought about other than by justice to the Indian, and that while the settler is to be looked after it should be consistent with a recognition of the fact that the Indian has a title under treaty agreements and a right to a voice in the mode whereby his large tribal holdings shall be disposed of and by provisions that will insure settlers and not a few special interests with railroad aid getting the lands.

Under the bill reported by the majority no price is set upon the land which the Indian shall receive. In the legislation with reference to other tribes of Indians Congress as a rule has named a minimum price which the Indian has received. Under the provisions of the bill reported by the majority the lands would be disposed of, not as Indian lands, but in effect as public lands of the United States. The lands under the provisions of the bill would be sold under the homestead or desert-land laws of the United States. The mode of disposition of public lands of the United States, it is respectfully submitted, is not a proper mode of disposition of Indian lands, as to which the United States as trustee is under an obligation, while conserving the general national policy of the Government of the United States, to see that the Indian receives a fair consideration for his land. We have shown how, under the act of 1904, it is admitted by the Senator from Montana, the full value of the land can not be had and more than a tenth of it sold when there are requirements that in order to obtain title to the land the individual must comply with the provisions of the homestead or other laws. In the present bill this restriction upon entry of the lands is aggravated because the act of 1904 contained no provision for disposition of those lands under the desert-land law, whereas the proposed bill reported by the majority of the committee names the desert-land law as one of the laws under which the Crow diminished reservation is to be disposed of.

Under the provisions of the desert-land law the chief requirement is that the party making entry shall expend in labor upon the land and its reclamation $1 per acre per year for three years, paying 25 cents per acre upon entry. The land being public land, it was the theory of the legislation that the United States would permit the settler to acquire the land and was sufficiently remunerated in the public policy of the United States which looked to the settlement of the western country if the entryman would expend $1 per acre per year for each of three years in the reclamation of the land. In what way, however, is the Indian, who is the holder of the title, to be benefited by reason of the fact that the desert-land entryman will spend in labor under the provisions of the House bill $1 per acre per year for three years? The Indian as the holder of the title has no special interest in the improvements that are put upon the land which it is proposed to take from him. It is not possible that he could receive in addition to this $3 per acre, which the desert-land entryman must put upon the land, a fair price from the entryman for the land. If the land is of a value when entered of only $3 per acre, the result would be that no party would take the land and pay the Indian an additional price, thus handicapping disposition of the land, so far as the Indian is concerned, by a $3 reclamation expenditure before the Indian begins to receive any revenue. It would be a practical confiscation of his land.

Similarly, Senator DIXON, with reference to homesteaders, admitted that one reason why the tract could not be sold now, aside from such land as had water holes or was along the water courses, was that parties were not willing to pay the Indian and also have to comply with the homestead requirements and live on the land, as they could not live away from where they could get drinking water. Yet the House bill proposed to require all this, and it is obvious these impossible requirements are to protect a few and enable them in acquisition of a small area to control the balance.

After the land is disposed of, furthermore, the House bill is objectionable in that it is proposed to perpetuate the communal system of Indian land and money holdings by providing that the proceeds of the sales shall be turned into the Treasury of the United States, and there constitute a tribal or communal fund to be expended hereafter in some way to be designated by Congress and controlled by the Interior Department. Therefore, what reason is there to believe but what the entire scheme contemplated is just as resulted from the actual working out of the similar act of 1904; that is, to enable a few parties who are willing to comply with the requirements to get control of the vast area of grazing lands by causing entries to be made of such of the diminished reservation as controls water courses or water holes, and thereby dominate the entire grazing area. At present the Indians receive $165,000 from the leasing of this land. They would receive nothing for some years under the operations of the proposed bill, just as in point of fact has resulted from the act of 1904, which ceased and terminated the leases the Indians had with white men of the 1,150,000 acres comprising the ceded strip.

The minority of the committee oppose the House bill because—

(1) It would be a breach of the confidence the Indians have reposed in the United States.

(2) It would not result in the settlement of the larger part of the strip opened, but simply in a settlement of a small part of the land and the domination without further expense of the balance by large interests.

(3) It would deprive the Indians of a large revenue which they now receive.

(4) It is a retrogressive or backward step in the development of the Indians, continues as to their funds their tribal state, and does not afford them the education in business affairs that would result from individualization of their land holdings, with permission to them to dispose of the same under supervision necessary simply for their protection.

The most essential feature of the House bill is contained in section 8, and it is identical with the law of 1904.

The minority of the committee recommend to the House that in place of the bill reported by the majority of the House committee there shall be substituted the bill passed by the Senate with simply a few slight amendments, of which the chief is that the Indians shall receive $2.50 per acre instead of $1.25 per acre for such land as may be taken from them by the United States for the benefit of the school fund of the State of Montana. The Senate bill's primary and essential purpose, as shown by its text, is to transform the Crow Indians from a tribal or communal state to an individual state, with individual rights, individual aspirations, and individual possibilities. Less than ten years ago the Crow Indian was a ration Indian; to-day the Crow annual fair is one of the striking agricultural exhibits of the Northwest. The Crow Indian to-day is self-supporting. He has a large system of irrigation ditches paid for out of his own money entirely, approximately $900,000 of moneys belonging to the Crow tribe having been expended in the construction and maintenance of a main system of irrigation with laterals. It is believed that the time has now arrived in the course of his development when, if he takes land in severalty, a larger and fuller development will come.

The Senate bill, which is favored by the minority, strikes at the very heart of the reason why the tribal Indian reaches only a certain stage of progress and then makes no further advancement. That reason is that the tribal Indian holds all his lands and funds in common, and like any other communal holding, there is not a material incentive to individual progress and effort.

The most reliable and experienced observers of Indian affairs have reached the conclusion that the greatest drawback to the development of the Indian is his lack of enlightened selfishness and his belief, fostered by the communal system under which all his property has been held, that he must divide the fruits of his efforts with any and all other members of his tribe who may choose to squat down upon him for such length of time as they may choose to remain. As individualization will result in the Indian's property rights being his individually, further progress will come, aided by the enlightened selfishness that will result in individual effort increasing the material welfare of the individual. This is the keystone of the proposition involved in the Senate bill. That it will result in sales of the surplus holdings made available for sale by the Senate bill as rapidly as there is a demand from real settlers for the Indians' surplus has been demonstrated on other reservations. All that is needed upon that point is liberal administration and provision whereby the Indian, even though not fully competent, will have paid over to him by the Government a fair proportion of the sale price of his land as the money is received, to enable him to improve his homestead and other holdings, or for such other uses as he may devote the same. A similar scheme to that proposed in the Crow Senate bill is now the law, for example, upon the Osage Reservation.

The lands of that reservation did not become open to settlement and sale until August last. Already 300 certificates of competency have been issued, and the surplus holdings, to a large extent, of the competent Indians have been sold and the proceeds devoted to improvement of the homestead or other uses by the Indian. The Osage law has been illiberal, however, so far as concerns the sale of surplus lands not needed by Indians not deemed competent, because they have received only a small part of the proceeds, and there has been, through withholding of their moneys, therefore, a lack of incentive for the noncompetent to apply for the sale of his surplus.

In the present Crow bill provision is made whereby certificates of competency may be issued to those Crow Indians whose development has reached or may hereafter reach the stage where they are believed not to need the supervision of the department. These certificates of competency undoubtedly will result in the sale of much land and the development of the country, and it is believed, as others see the results, that they themselves will desire likewise to convert any idle lands they have into money. At the same time, the Indian who desires to go into the cattle business, for which many of them are adapted, or into horse breeding, will have lands which he can devote to that purpose in whole or in part. As to the surplus lands of noncompetents, provision is made whereby their lands may be sold at a price acceptable to them and opportunity afforded them for education in business matters by turning over to them 50 per cent of the proceeds of the sales as the money becomes available from the purchaser or settler, the balance being reserved and the interest only paid to the Indian. This provision, it is believed, will insure against want the old Indians and provide for the education of minors and young Indians. It furthermore will have a decidedly beneficial educational effect in that it will teach the Indians the value and the use of land in exactly the same mode whereby the children of any white persons acquire their knowledge.

The mineral resources of the Crow Reservation are believed to be considerable, notwithstanding no opportunity for their development has been possible heretofore. The Commissioner of Indian Affairs and the Geological Survey report that valuable coal deposits have been found and are being worked in Wyoming on land adjoining the Crow Reservation. The official reports received would indicate that some considerable part of the Crow Reservation may have coal lands of a value in excess of $100 per acre, and oil developments in Wyoming would indicate the possibility that oil may be found upon the reservation. These mineral resources of coal and oil, it is believed, should be reserved to the tribe and leases made of the same by the Secretary of the Interior for the benefit of the entire tribe in order that the more shrewd may not take advantage of the less intelligent, and for the further reason that it is believed in this way a fuller development may be had than if the mineral rights were at this time vested in the individual Indian. This system, it has been found, has worked well upon the Osage Reservation, where at this time the tribe derives a revenue of $240,000 a year from oil and gas rights, and the oil and gas has been developed to a greater extent than otherwise would have been the case. Careful provision has been made for the protection of the owner of the surface and likewise against any manipulation of oil and gas by any one com-

pany, a limitation having been placed upon the area which any individual or corporation may lease.

This Senate bill, as heretofore stated, has the approval of the Indians and was approved and agreed to by the Senator from Montana upon the Indian Committee, and who attended the various hearings. It would aid the Indian and its passage mark a material stage in his development. It would prevent the domination of the grazing land of the Crow Reservation by a few large holders through their control of tracts specially entered. It would enable the actual settler to obtain title to lands just as rapidly as there were purchasers of the surplus holdings, which experience has demonstrated the Indian, as a rule, is very glad to dispose of if he can obtain a fair price and one in which he individually has a part in setting. Your minority denounce the House bill as one in the interest of special parties and not of either actual settlers or the Indians.

The protest of the Indians against the original Dixon bill, which is practically the same as the House bill, is annexed hereto.

JNO. H. STEPHENS.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., January 11, 1910.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: We, the undersigned, delegates who were chosen at a general meeting held by the Crow Indians in each of the six farming districts of the Crow Reservation to represent them at a convention held at Crow Agency on Tuesday afternoon, January 11, 1910, to consider the matter of the Crow bill, now pending before Congress, to open up for settlement the surplus lands of the diminished reservation, and to represent them at Washington in protesting against the passage of the said bill, petition you.

At this meeting we have unanimously decided to put before you, in writing, our reasons why our lands should not be opened up for settlement at this time.

First, the 1,150,000 acres that was opened up for settlement under the act of Congress approved April 27, 1904, was taken without our consent, and in direct violation of the treaty that was made with us by the commissioners that were sent here in behalf of the United States by the Secretary of the Interior under and by virtue of the act of Congress approved June 10, 1896 (29 Stat. L., 341).

These lands were opened up for settlement in 1906; and at this time, after an elapse of five years, there has not been taken of these lands for settlement to exceed 150,000 acres, leaving unsold and untaken approximately 1,000,000 acres. We believe that, from this one showing, in all fairness and justice to us as a people who are trying to farm our land and raise stock, and who are self-supporting and are not in need of any gratuitous aid from the Government, the bill should not be allowed to pass, taking more land from us and subjecting us to the hardship of losing our grazing lands, when we have already been made to suffer the loss of 1,000,000 acres of our best pasture lands, taken from under our control, and from which we to-day are not receiving one cent revenue. We believe that the injustice alone will appeal to all fair-minded people as a sufficient reason why no more of our lands should be taken away from us.

We now derive from the leasing of our grazing lands $160,000 per annum, and still maintain the right to graze our stock unmolested upon our own reservation. Not an Indian, with a possible exception of three or four, are now grazing or can graze with safety their stock on the ceded strip where the white people now have full control. Our stock herds are constantly increasing, many of our Indians having as many as 250 head of cattle and several hundred head of horses each, and were the reservation to be thrown open we would entirely lose the benefit of these our grazing lands, and our stock interests would be entirely destroyed. In five or six years' time the revenue derived from our grazing leases will amount to approximately as much as we would receive for the whole of the surplus lands of the diminished reservation were it opened up for settlement and sale. In two years' time these grazing lands of ours leased will yield us a revenue much larger than we have already received from the sales of lands on the ceded strip during the last five years.

We have been chosen to represent our people because of their perfect confidence in us, and because they feel that we will protect their interests to the very best of our abilities. While we have great confidence in your office and feel that you will look after our interests in this matter, still we believe that by granting authority for this delegation to come to Washington our people will be made to feel better disposed, and that all will be better satisfied. We ask to come to you as a sensible body of men, representing the whole of the Crow tribe of Indians in what to them is a matter of the greatest importance. Our reservation we consider as one enormous business enterprise of which our people are the sole proprietors, and they feel, in a matter of so vast importance, that they should be represented in Washington by a delegation of their own members who themselves are vastly interested. We therefore humbly request you to grant us authority for the 18 delegates, together with two interpreters and the superintendent, to come to Washington at the earliest possible date, representing the Crow tribe in matter at issue. We have also requested the superintendent to transmit his communication to you at once.

It is the wish of the Indians that the expenses of this entire delegation be paid out of any of their moneys now in your hands to their credit.

We have requested the superintendent, in order to get this authority at the earliest possible date, to wire you asking that you wire the authority for us to come.

Very respectfully,

Horace Long Bear, T. S. Shively, Frank Shane, Blake Whitebear, Albert Anderson, J. W. Cooper, James Hill, Thomas Medicine Horse, Rosebud Farwell, Ralph Saso, Holds the Enemy (his thumb mark), Spotted Rabbit (his thumb mark), Stops (his thumb mark), Plain Owl (his thumb mark), One Star (his thumb mark), Bull Robe (his thumb mark), Sees with his Ears (his thumb mark), Packs the Hat (his thumb mark).

Approved:
PLENTY COOS,
Chief of the Crows.

Witnesses to the above marks:
GEORGE W. HOGAN.
SAMUEL S. DAVIS.
JACKSON STEWART.

A minority of your committee desire to present this minority report in opposition and protest against the passage of the bill as reported by the majority of the committee, for the following reasons, viz:

First. That the committee did not permit a hearing by the Indians whose lands are disposed of by the bill before the bill was reported to this House, but arbitrarily reported the bill to this House without due consideration and over the protest of the Indians owning the lands.

Second. Because more than 1,000,000 acres of said Indian lands have heretofore been opened for sale, and but a small part thereof has been sold; and it seems to be idle and almost incredible that Congress should put more than another million of similar lands on the market in competition with that now for sale, thus lowering the price of the whole body of Indian lands. We therefore protest, etc.

JOHN H. STEPHENS.
J. P. LATTA.

Mr. BURKE of South Dakota. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has thirteen minutes.

Mr. BURKE of South Dakota. I yield three minutes to the gentleman from Oklahoma [Mr. MCGUIRE].

Mr. MCGUIRE of Oklahoma. Mr. Speaker, the gentleman from Texas stated in substance that he could not quite understand why anyone from Oklahoma should support this bill, or a bill of this kind. It is exactly in line with the policy of the Government and of the Congress of the United States in the past with reference to Oklahoma.

It has also been stated that the cattlemen are wanting this done. It is the first time that I have ever heard it from anybody anywhere that the cattlemen and the sheepmen, anywhere in the United States, were in favor of opening Indian reservations. In my State we never attempted at any time to open an Indian reservation that we were not met as we are met here to-day by every man interested in the sheep business and in the cattle business, trying to obstruct the Government policy of opening the reservations.

The gentleman from Texas [Mr. STEPHENS] has said that a large revenue is now being obtained from the leasing of these lands to the sheepmen and cattlemen in that country, and yet, in the face of that statement, and almost in the same breath, he says that the cow men are in favor of this bill.

The facts are, gentlemen, according to the statement of the Senators from that State and of the Member of Congress from that State, and all the people in that State who are concerned in the well-being and welfare of the State, that they are in favor of this bill and against the policy of the cowmen and the sheepmen, who would let that land remain there eternally, so that they might have an opportunity to graze the ranges. We have had the same experience in my State——

Mr. FITZGERALD. Can the gentleman explain why of the 1,100,000 acres 1,000,000 acres have not been taken up?

Mr. MCGUIRE of Oklahoma. Yes; I will explain in a moment. The reason that 1,000,000 acres of the land are unsold is that the bill providing for the opening of the land put upon it a price that nobody would pay for it, and it stands there now for that reason. The Indians will take $1,000,000 for the 1,000,000 acres of land, but the price fixed in the original act opening the reservation was $3,000,000 for the 1,000,000 acres of land. According to the testimony before the Committee on Indian Affairs coming from that State, the only persons who are opposed to this bill are the cattlemen and the sheepmen and the pliable tools in their hands.

Mr. BURKE of South Dakota. I hope the gentleman from New York will use the balance of his time. There will be only one speech more on this side.

Mr. FITZGERALD. I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, the gentleman from Oklahoma [Mr. MCGUIRE] closed with the statement that the only persons who opposed this bill were the cattlemen in Montana. I want to say to the gentleman from Oklahoma and the gentlemen of this House that the Indians are opposed to this bill, because they believe it against their interests for these lands to be opened for settlement at this particular time. Two Indians came to my office and complained to me as a member of the Committee on Indian Affairs that the committee had not given them a hearing upon this bill.

Mr. MCGUIRE of Oklahoma. Will the gentleman kindly inform me how many Indians and who they were came before the Indian Committee and protested?

Mr. BYRNS. Two Indians, who represented themselves as delegates or representatives of the Crow tribe, came to my office, as they came to the offices of other members of this committee; and, as the gentleman from Kansas [Mr. CAMPBELL] says, a firm of attorneys appeared before the committee with these Indians and were heard for a short while, but that was after this bill had been reported to the House. This bill was never fully considered in the committee, and members of the

Crow tribe were never permitted at any time to present the wishes of the Indians with reference to this bill.

Now, what are the facts? As the gentleman from New York [Mr. FITZGERALD] says, in 1906 Congress agreed to open for settlement a portion of the reservation, consisting of 1,150,000 acres, and since that time only 150,000 acres of that land has been taken, and that land lies along the stream and water holes, and as a result there are a million acres of land to-day in Montana on this reservation that is now subject to settlement. I see no reason why Congress should undertake to open 2,000,000 more acres so long as these 1,000,000 acres remain open for settlement.

If I remember correctly, this tribe is now receiving $160,000 a year for these 2,000,000 acres for grazing purposes. When you open up these lands for settlement you deprive them of the $160,000 that they are getting every year. They insist that if you pass this bill the same thing will happen to the 2,000,000 acres that happened to the 1,000,000 acres. That the cattlemen who have money behind them will go in and take the land lying along the streams and the water holes, and leave unoccupied and untaken a vast amount of territory from which the Indians will be able to derive no revenue.

Another objection urged is that they not only get $160,000 a year, but each Indian has a right to graze his own cattle on the reservation, and you will by passing this bill deprive them of that. I want to say that if the report from this Crow tribe is true, every Indian is opposed to the opening of this reservation. It is the scheme of the cattlemen to get in there and take up the best land, the land capable of being best developed in the 2,000,000 acres, and after five years have expired throw the other land open for these cattlemen, who have immense wealth behind them, to go in and secure the land at almost any price.

I say that the passage of this bill, if the hearings before the Senate committee be true, will be an act of bad faith toward the Indians. This same bill was first introduced in the Senate. Thereupon a delegation of Indians from the Crow tribe came here and went to the Senator from Montana and protested against the bill, and finally after considerable deliberation it was agreed between the Senator and the Crow tribe, if the reports be true, that another bill would be framed which would permit the holdings of the Indians to be individualized, and which would allow each Indian to go and get his share of his own land and have the title placed in his own name, and whenever he became competent and the Secretary of the Interior was satisfied that he was obtaining a good price he could sell it to any person who wanted to buy it. This would open the land for settlement and at the same time make it certain that the Indians receive the real worth of their lands rather than the land speculators.

That bill was agreed upon by the representatives from the Crow tribe and the Senator from Montana, and the Senator introduced that bill, and after it was introduced it was passed. But here the House committee, without any hearing being given the Crow tribe, without giving them an opportunity to come in and present their claims and objections to this bill, undertake to set aside the Senate bill and pass this bill, notwithstanding the very serious objections on the part of the Indians, who own this land and whose rights should be first considered.

I say, as the Representative from New York said, this bill is absolutely and wholly indefensible. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I simply wish to say that I filed a minority report in 1904 to the bill then reported which opened 1,150,000 acres of this reservation of the Crow lands. I predicted then what would happen, and it has happened. Control of the water holes has been obtained by the cattlemen, and, controlling the water, it is possible to graze their cattle over the other 1,000,000 acres of land, which is absolutely worthless to anybody else. I hope that in view of the fact that the Department of the Interior and the Commissioner of Indian Affairs asked these committees not to take action at this session, this House will not be deluded into supporting this bill because the gentlemen from States vitally interested in opening all of the Indian lands seem to have banded together to open this particular reservation.

Mr. BURKE of South Dakota. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, this bill provides for the opening of the Crow Reservation, in Montana, amounting to about 2,700,000 acres of land. There are about 1,700 Crow Indians on this reservation, so that there are between 1,500 and 1,600 acres of land to each Indian. The most that an Indian uses now is from 2 to 20 acres. Now, as to the parliamentary history of the bill, the Senate considered a bill of one character. The House took under consideration a bill similar to the one that passed the Senate in the Sixtieth Congress. The Senate bill passed by this Congress was in the House committee. The House committee took up its own bill that had been under consideration by the committee for months. The gentleman from Montana [Mr. PRAY] insisted on favorable action upon it.

The committee took up the House bill in full committee and considered it section by section, in the light of a letter from the Secretary of the Interior making suggestions as to amendments. All of these suggestions were incorporated into the bill, and the bill was taken up and passed by the unanimous vote of the committee. The gentleman from Texas [Mr. STEPHENS] and the gentleman from Tennessee [Mr. BYRNS], I think, were both present. I may be mistaken as to the gentleman from Tennessee being present.

Mr. SULZER. I understand that a minority report was filed in this case, and how could that be if there was a unanimous vote?

Mr. CAMPBELL. If the gentleman will not take my time, I will explain. The gentleman from Texas knows well why he filed the minority report. He knows that he did not object to this bill until the attorneys for the cattlemen of Montana appeared before the committee and demanded a rehearing on the bill that had been reported the day before.

Mr. BYRNS. Will the gentleman yield?

Mr. CAMPBELL. No; I have not time.

Mr. BYRNS. But the gentleman does not want to misrepresent things.

Mr. CAMPBELL. I said that I would not say that the gentleman from Tennessee [Mr. BYRNS] was present if he denies it. The next day after this bill was unanimously reported from the committee the attorneys for the cattlemen appeared and pleaded for a reopening and a hearing on the Senate bill, still in committee.

Mr. BYRNS. Were not the delegates from the Crow tribe of Indians there?

Mr. CAMPBELL. Yes; and the delegates represented the wishes of the cattlemen. They did not represent the Crow Indians any more than the gentleman from Tennessee represents the Chinese Empire in this House.

Mr. BYRNS. Why does the gentleman make that statement?

Mr. CAMPBELL. Because they have no authority to represent the Crow Indians.

Mr. FITZGERALD. Does the Commissioner of Indian Affairs represent the cattlemen also?

Mr. CAMPBELL. The gentleman from New York has made the statement without authority, three or four times, that the Indian Office was opposed to this bill. The gentleman from New York is mistaken.

Mr. FITZGERALD. I am not mistaken; I am absolutely correct.

Mr. CAMPBELL. I know the gentleman from New York is mistaken.

Mr. FITZGERALD. I know that I am not mistaken. I read that from the place where it was printed.

Mr. CAMPBELL. The department was opposed to and referred to the Senate bill, but not to this bill.

Mr. FITZGERALD. They were opposed to any bill.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Speaker, I did not intend to participate in this debate. I wish to say, in order to correct any misunderstanding, that the Commissioner of Indian Affairs, on my return, called upon me and stated that the bill which is now before the House was the bill that the department hoped would pass and become a law at this session.

Mr. FITZGERALD and Mr. BYRNS. Will the gentleman yield?

Mr. CAMPBELL. Mr. Speaker, I can not yield further.

Mr. FITZGERALD. Mr. Speaker——

Mr. CAMPBELL. Mr. Speaker, I can not yield.

The gentleman from Texas made the statement that we have proceeded with indecent haste in the opening of the Crow Reservation, and that we have proceeded without a hearing. Here is a volume of 400 or 500, yes, 800 pages of hearings on this bill as it passed the Senate in the Sixtieth Congress.

Mr. STEPHENS of Texas. And you struck out every word of it.

Mr. CAMPBELL. We struck out every word of the Senate bill as it passed the Senate in the Sixty-first Congress and substituted the Senate bill as it passed in the Sixtieth Congress, as these hearings will show. The gentleman from Texas, with unusual audacity, for him [laughter], charges that this bill is favored by the cattlemen.

Let me state to the gentleman from Texas and the Members of the House what occurred in the hearings before the Senate

committee this year. The Senator from Montana, appearing in behalf to the Senate bill to open the Crow Reservation for settlement, made this statement. I read from the hearings:

I guess I might as well get down to the truth. This reservation is held by six or seven cattle and sheep companies under lease, who are naturally very much opposed to opening it——

Mr. STEPHENS of Texas. That is exactly what I stated.

Mr. CAMPBELL. Now will the gentleman be patient?

who are naturally very much opposed to opening it.

Did the gentleman state that?

Mr. STEPHENS of Texas. That country is already opened—that is, the 1,000,000 acres——

Mr. CAMPBELL. This statement refers to the land we are proposing to open by this bill. The attorneys for the cattlemen and some Indians who have been sent here by the cattlemen to prevent this opening are opposed to it. Why, as stated by the gentleman from Oklahoma, nobody ever heard of cattlemen or sheepmen favoring the opening of an Indian reservation they were occupying under leases and herding their sheep and cattle upon the land.

The gentleman from Texas further states that we have not protected the mineral in these reservations. We paid particular attention to that in this bill when preparing it in committee. The bill reads, referring to that:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the unsurveyed land embraced within the limits of the Crow Indian Reservation in the State of Montana, and to cause an examination of the same to be made by the United States Geological Survey, and if there be found any lands bearing coal, oils, or other valuable minerals, the Secretary of the Interior is hereby directed to receive such lands from allotment or disposition until further action by Congress.

Mr. Speaker, if this bill fails to pass, six or seven cattle and sheep men who have leases on the land composing the reservation will win and the settlers will lose; if the bill passes, the settlers will win and the cattle and sheepmen will lose.

The SPEAKER. The time of the gentleman from Kansas has expired; all time has expired. The question is on suspending the rules and passing the bill.

The question was taken; and the Chair announced the noes seemed to have it.

Mr. BURKE of South Dakota. Mr. Speaker, I demand a division. Mr. Speaker, I will ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 128, answered "present" 18, not voting 99, as follows:

YEAS—144.

Ames	Foulkrod	Kinkaid, Nebr.	Plumley
Austin	Fuller	Knapp	Pratt
Barchfeld	Gardner, Mass.	Knowland	Pray
Barclay	Gardner, Mich.	Kronmiller	Prince
Barnard	Gardner, N. J.	Lawrence	Reeder
Bartholdt	Gillett	Loud	Reynolds
Bartlett, Nev.	Goebel	Loudenslager	Roberts
Bennet, N. Y.	Good	Lowden	Rodenberg
Bingham	Graff	Lundin	Rucker, Colo.
Boutell	Grant	McCreary	Scott
Burke, Pa.	Greene	McCredie	Sheffield
Burke, S. Dak.	Hamer	McGuire, Okla.	Smith, Cal.
Burleigh	Hamilton	McKinlay, Cal.	Smith, Mich.
Calder	Hanna	McKinley, Ill.	Southwick
Campbell	Hauren	McKinney	Steenerson
Cassidy	Hawley	McLachlan, Cal.	Sterling
Chapman	Hayes	McLaughlin, Mich.	Stevens, Minn.
Cooper, Pa.	Heald	Madden	Sturgiss
Cowles	Henry, Conn.	Martin, Colo.	Sulloway
Creager	Higgins	Miller, Kans.	Swasey
Crumpacker	Hill	Miller, Minn.	Tawney
Currier	Hinshaw	Millington	Taylor, Colo.
Dalzell	Hollingsworth	Mondell	Tener
Denby	Howell, N. J.	Moore, Pa.	Thistlewood
Diekema	Howell, Utah	Morehead	Thomas, Ohio
Dodds	Howland	Morgan, Okla.	Tilson
Draper	Hubbard, Iowa	Murdock	Townsend
Driscoll, M. E.	Hubbard, W. Va.	Murphy	Volstead
Dwight	Huff	Needham	Wanger
Ellis	Hull, Iowa	Norris	Washburn
Elvins	Humphrey, Wash.	Olcott	Weeks
Englebright	Johnson, Ohio	Olmsted	Wheeler
Esch	Joyce	Parker	Wiley
Fairchild	Keifer	Payne	Woods, Iowa
Foss, Ill.	Kendall	Pearre	Woodyard
Foster, Vt.	Kennedy, Iowa	Pickett	Young, Mich.

NAYS—128.

Adair	Broussard	Cullop	Foss, Mass.
Adamson	Burgess	Davis	Foster, Ill.
Aiken	Burleson	Dent	Gallagher
Alexander, Mo.	Burnett	Denver	Garner, Tex.
Ashbrook	Byrd	Dickinson	Garrett
Barnhart	Byrns	Dixon, Ind.	Gill, Md.
Bartlett, Ga.	Candler	Driscoll, D. A.	Gill, Mo.
Beall, Tex.	Clark, Fla.	Edwards, Ga.	Glass
Bell, Ga.	Clark, Mo.	Ellerbe	Goldfogle
Boehne	Cline	Estopinal	Gordon
Booher	Collier	Finley	Graham, Ill.
Borland	Cooper, Wis.	Fitzgerald	Griest
Bowers	Cox, Ind.	Floyd, Ark.	Hamill
Brantley	Cox, Ohio	Foelker	Hamlin
Hammond	Kitchin	Page	Sims
Hardwick	Küstermann	Palmer, A. M.	Sisson
Hardy	Lamb	Poindexter	Slayden
Hay	Latta	Pou	Small
Heflin	Lenroot	Rainey	Smith, Tex.
Helm	Lindbergh	Randell, Tex.	Sparkman
Henry, Tex.	Livingston	Rauch	Spight
Hitchcock	McCall	Richardson	Stafford
Hobson	Macon	Robinson	Stephens, Tex.
Howard	Maguire, Nebr.	Roddenbery	Sulzer
Hughes, Ga.	Mays	Rothermel	Taylor, Ala.
Hughes, N. J.	Moore, Tex.	Rucker, Mo.	Thomas, Ky.
Hull, Tenn.	Morrison	Sabath	Thomas, N. C.
James	Moss	Shackleford	Tou Velle
Johnson, Ky.	Nelson	Sharp	Turnbull
Johnson, S. C.	Nicholls	Sheppard	Underwood
Kelliher	O'Connell	Sherley	Watkins
Kinkead, N. J.	Oldfield	Sherwood	Webb

ANSWERED "PRESENT"—18.

Bradley	Houston	Lee	Maynard
Butler	Kopp	Lever	Padgett
Carter	Korbly	Lloyd	Smith, Iowa
Clayton	Lafean	McHenry	
Douglas	Langham	Mann	

NOT VOTING—99.

Alexander, N. Y.	Dickson, Miss.	Humphreys, Miss.	Peters
Allen	Dies	Jamieson	Pujo
Anderson	Durey	Jones	Ransdell, La.
Andrus	Edwards, Ky.	Kahn	Reid
Ansberry	Fassett	Kennedy, Ohio	Rhinock
Anthony	Ferris	Langley	Riordan
Bates	Fish	Law	Saunders
Bennett, Ky.	Flood, Va.	Legare	Simmons
Brownlow	Focht	Lindsay	Slemp
Calderhead	Fordney	Longworth	Snapp
Cantrill	Fornes	McDermott	Sperry
Capron	Fowler	McMorran	Stanley
Carlin	Gaines	Madison	Talbott
Cary	Garner, Pa.	Malby	Taylor, Ohio
Cocks, N. Y.	Gillespie	Martin, S. Dak.	Tirrell
Cole	Gilmore	Moon, Pa.	Vreeland
Conry	Godwin	Moon, Tenn.	Wallace
Cook	Goulden	Morgan, Mo.	Weisse
Coudrey	Graham, Pa.	Morse	Wickliffe
Covington	Gregg	Moxley	Willett
Craig	Gronna	Mudd	Wilson, Ill.
Cravens	Guernsey	Nye	Wilson, Pa.
Crow	Harrison	Palmer, H. W.	Wood, N. J.
Davidson	Havens	Parsons	Young, N. Y.
Dawson	Hughes, W. Va.	Patterson	

So (two-thirds not having voted in favor thereof) the motion to suspend the rules and pass the bill was rejected.

The following pairs were announced:

For this session:

Mr. SLEMP with Mr. MAYNARD.

Mr. BRADLEY with Mr. GOULDEN.

Mr. ANDRUS with Mr. RIORDAN.

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Until further notice:

Mr. PARSONS with Mr. HOUSTON.

Mr. SPERRY with Mr. CRAVENS.

Mr. FISH with Mr. DIES.

Mr. ANTHONY with Mr. ANDERSON.

Mr. BROWNLOW with Mr. BEALL of Texas.

Mr. CALDERHEAD with Mr. CANTRILL.

Mr. CAPRON with Mr. GILMORE.

Mr. KAHN with Mr. CARTER.

Mr. COLE with Mr. CARLIN.

Mr. COUDREY with Mr. CLAYTON.

Mr. DAVIDSON with Mr. CRAIG.

Mr. DAWSON with Mr. DICKSON of Mississippi.

Mr. DUREY with Mr. FERRIS.

Mr. EDWARDS of Kentucky with Mr. GILLESPIE.

Mr. FOCHT with Mr. HARRISON.

Mr. FORDNEY with Mr. JONES.

Mr. GUERNSEY with Mr. LEGARE.

Mr. HUGHES of West Virginia with Mr. LINDSAY.

Mr. LANGLEY with Mr. MCDERMOTT.

Mr. LAW with Mr. STANLEY.

Mr. MCMORRAN with Mr. PUJO.

Mr. GARNER of Pennsylvania with Mr. TALBOTT.

Mr. MALBY with Mr. MOON of Tennessee.

Mr. MOON of Pennsylvania with Mr. PATTERSON.

Mr. SNAPP with Mr. REID.

Mr. NYE with Mr. RHINOCK.

Mr. SIMMONS with Mr. WALLACE.

Mr. TAYLOR of Ohio with Mr. SAUNDERS.

Mr. TIRRELL with Mr. WEISSE.

Mr. WILSON of Illinois with Mr. WICKLIFFE.

Mr. WOOD of New Jersey with Mr. WILLETT.

Mr. VREELAND with Mr. PADGETT.

Mr. MANN with Mr. COVINGTON.

Mr. ALLEN with Mr. LEVER.

Mr. SMITH of Iowa with Mr. PETERS.

Mr. BUTLER with Mr. GREGG.

Mr. COOK with Mr. HUMPHREYS of Mississippi.

Mr. GRONNA with Mr. JAMIESON.
Mr. GRAHAM of Pennsylvania with Mr. FLOOD of Virginia.
Mr. LAFEAN with Mr. MCHENRY.
From June 1 until the end of the session:
Mr. HENRY W. PALMER with Mr. LEE.
From June 18 until June 21, inclusive:
Mr. GAINES with Mr. SHARP.
From June 20 until June 22, inclusive:
Mr. BATES with Mr. KORBLY.
From to-day until the end of the session:
Mr. MARTIN of South Dakota with Mr. MARTIN of Colorado. (Transferable.)
From June 17 until adjournment:
Mr. ALEXANDER of New York with Mr. RANSDELL of Louisiana (except rule and votes on cotton futures).
From to-day until adjournment:
Mr. DOUGLAS with Mr. ANSBERRY (except subject to the following stipulations: Mr. ANSBERRY going home and Mr. DOUGLAS remaining in Washington, it is agreed that Mr. DOUGLAS may vote on any measure, provided, first, he shall wire Mr. ANSBERRY as soon after he finds that he wants to vote as possible, and, second, that he shall, on such vote, use his best effort to protect Mr. ANSBERRY by another pair, this pair not to apply to matters entirely nonpolitical).
For the balance of the session:
Mr. YOUNG of New York with Mr. FORNES. (Transferable on postal savings and naval appropriation bills.)
Until June 23, inclusive:
Mr. LANGHAM with Mr. WILSON of Pennsylvania.
From June 11 until June 20, inclusive:
Mr. MOXLEY with Mr. CONRY.
From June 16 until June 20, inclusive:
Mr. LONGWORTH with Mr. GODWIN.
For Monday, June 20:
Mr. FASSETT with Mr. LLOYD.
Mr. COCKS of New York with Mr. HAVENS.

Mr. JOYCE. Mr. Speaker, I would like to vote. The confusion was such that I could not hear my name called.

The SPEAKER. Was the gentleman paying attention and failed to hear his name when it should have been called?

Mr. JOYCE. I was.

The SPEAKER. Call the name of the gentleman.

The name of Mr. JOYCE was called, and he voted "yea."

The result of the vote was then announced as above recorded.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

WITHDRAWAL OF PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases, and that the House concur in the Senate amendment.

The SPEAKER. The gentleman moves to take the bill H. R. 24070 from the Speaker's table, suspend the rules, agree to the Senate amendment, and pass the bill.

Mr. ROBINSON. Mr. Speaker——

The SPEAKER. The Clerk will report the bill.

The Clerk reported the bill with the Senate amendment.

Mr. ROBINSON. Mr. Speaker, I demand a second.

The SPEAKER. Is there any gentleman on the Committee on Public Lands who is opposed to this bill? If so, the Chair will recognize him; if not, the Chair will recognize the gentleman from Oklahoma [Mr. MORGAN].

Mr. ROBINSON. I am on the Committee on Public Lands, Mr. Speaker.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROBINSON. Well, Mr. Speaker, I desire to state that I do not know what the bill is. I have been utterly unable to get a copy of the bill, and other gentlemen on the committee with me have also been unable to get a copy of the bill. I am opposed to the bill.

The SPEAKER. The gentleman from Arkansas demands a second. Is there objection to a second being considered as ordered?

Mr. MONDELL. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. My motion was not to suspend the rules.

The SPEAKER. The gentleman was not recognized for any other motion. This is suspension day, and the Chair understood the gentleman desired to suspend the rules.

Mr. MONDELL. I move to suspend the rules and agree to the Senate amendment.

Mr. ROBINSON. On that motion I demand a second.

Mr. MONDELL. I ask unanimous consent that a second may be considered as ordered.

Mr. CRAIG. Mr. Speaker, would a motion to disagree to the Senate amendment and ask for a conference take precedence over the motion of the gentleman from Wyoming?

The SPEAKER. This bill belongs on the Speaker's table, but the gentleman moves, as the Chair understands him, to take it from the Speaker's table and concur in the Senate amendments. Now, that will take a two-thirds vote.

But this bill, being upon the Speaker's table, is a privileged bill, and would come up immediately after the reading of the Journal to-morrow.

Mr. FITZGERALD. Are there any Senate amendments that require consideration in Committee of the Whole? If there be, it is not a privileged motion.

The SPEAKER. Apparently there are no such amendments.

Mr. MANN. Will the gentleman yield for a question? Is the Senate amendment one requiring consideration in Committee of the Whole House on the state of the Union?

Mr. MONDELL. I think not.

Mr. FITZGERALD. What is it?

Mr. MANN. It is the withdrawal bill. It strikes out all after the enacting clause and changes the form of the bill.

The SPEAKER. It seems to deal with the same matter that the House bill dealt with.

Mr. MANN. If the bill does not require consideration in Committee of the Whole, there is no use making the motion now. I suggest to the gentleman that he withhold it and take it up to-morrow.

Mr. CARLIN. Does a motion to nonconcur and ask for a conference take precedence of the motion of the gentleman from Wyoming?

The SPEAKER. It does not, because on suspension day nothing will dispose of this bill except a motion to suspend the rules.

Mr. MONDELL. Mr. Speaker, I withdraw my motion.

BRIDGES ACROSS CHARLES RIVER, BOSTON, MASS.

Mr. WASHBURN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, between the cities of Cambridge and Boston, in the State of Massachusetts, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That the cities of Boston and Cambridge, in the State of Massachusetts, be, and they are hereby, authorized to construct drawless bridges across the Charles River in the State of Massachusetts between said cities, connecting River street, in Cambridge, and Cambridge street, in the Brighton district, so called, of Boston, and at any other points upon said river above said Cambridge and River streets in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the State of Massachusetts shall, within a reasonable time after the completion of said bridges, or any of them, by legislative enactment provide for adequate compensation to the owner or owners of wharf property now used as such on said river above said bridges, for damages, if any, sustained by said property by reason of interference with access by water to said property now and hitherto enjoyed, because of the construction of said bridges without a draw.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded? No second being demanded, the question is on suspending the rules and passing the bill.

The question being taken, and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

CENTENNIAL OF THE REPUBLIC OF MEXICO.

Mr. FOSTER of Vermont. Mr. Speaker, I move to suspend the rules and pass House joint resolution 232, creating a commission to represent the United States at the celebration of the first centennial of the Republic of Mexico.

The joint resolution was read, as follows:

House joint resolution 232.

Resolved, etc., That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons, to be appointed by the President of the United States, to represent the United States at the celebration of the first centennial of the Republic of Mexico, at the City of Mexico, in said Republic of Mexico, during the month of September, 1910.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. If there be no objection, a second will be considered as ordered.

There was no objection.

Mr. MANN. I should like to ask the gentleman how much this is going to cost?

Mr. FOSTER of Vermont. I should not suppose it would cost over $10,000. This celebration is one in which the Repub-

lic of Mexico has invited our Government to participate, in common with the other nations of the world. I am credibly informed that acceptances have already been received from many of the nations.

Mr. TAWNEY. What is the nature of the exposition—industrial or otherwise?

Mr. FOSTER of Vermont. It is not an exposition. It is the celebration of the first centennial of the Republic of Mexico.

Mr. TAWNEY. What is the character of it?

Mr. FOSTER of Vermont. I can not give the gentleman the programme functions by which the event is to be celebrated.

Mr. MANN. It is a bull fight. [Laughter.]

Mr. FOSTER of Vermont. There are a variety of functions, but our Government has not called upon Mexico for a detailed statement.

Mr. TAWNEY. Can the gentleman state what the nature of our participation is to be?

Mr. MANN. A junketing trip.

Mr. FOSTER of Vermont. We are invited to be represented at the various functions.

Mr. TAWNEY. How long will the celebration continue?

Mr. FOSTER of Vermont. Thirty days; but it is not expected that our delegation will remain for the entire celebration.

Mr. STAFFORD. Is there any limit of time in which this delegation is to exercise its great privileges?

Mr. FOSTER of Vermont. There is none. The Government of Italy has already arranged to send a delegation there, together with a part of its war fleet.

Mr. MADDEN. What is the expense to be incurred?

Mr. FOSTER of Vermont. There is no provision in this bill for any expense upon the part of the National Government.

Mr. MANN. Is there to be any expense?

Mr. FOSTER of Vermont. I would suppose, if this resolution is adopted, that some arrangement would be made for the necessary expenses of this delegation.

Mr. MADDEN. This bill ought to be on the Union Calendar.

Mr. FOSTER of Vermont. No; it carries no appropriation.

Mr. MADDEN. But it creates an expense.

Mr. FOSTER of Vermont. Not necessarily.

Mr. TAWNEY. When is the celebration?

Mr. FOSTER of Vermont. In September, 1910.

Mr. STEPHENS of Texas. Where is it to be held?

Mr. FOSTER of Vermont. In the City of Mexico.

Mr. TAWNEY. This is merely an acceptance of the invitation?

Mr. FOSTER of Vermont. It provides for the appointment of a commission to represent the United States.

Mr. GOLDFOGLE. How many are to be sent?

Mr. FOSTER of Vermont. Nine, the resolution provides for.

Mr. GOLDFOGLE. What expense will it entail on the Government?

Mr. FOSTER of Vermont. I have never been as far south as the City of Mexico. I should suppose it would not involve an expenditure of more than $10,000. That is a small amount. A large number of nations will be represented at this celebration, and we ought to be represented there.

Mr. GOLDFOGLE. Does not the gentleman think that three delegates would quite suffice to represent the Government in connection with our minister down there?

Mr. FOSTER of Vermont. This resolution was drawn with great care, after consultation with various Members of the House and of the Senate and the State Department. This is a great government. The Republic of Mexico is our next door neighbor on the south.

Mr. BURLESON. Let me call the gentleman's attention to the fact that quite a part of our country was a part of Mexico a hundred years ago.

Mr. FOSTER of Vermont. A great many American citizens are to-day interested financially in the Republic of Mexico.

Mr. MANN. Mr. Speaker, this is one of these little resolutions that usually come in at the end of a session for the purpose of providing a junketing trip. Three Members of the House are to be among the delegates. I would be very glad to have the gentleman from Vermont and some other member of the Committee on Foreign Affairs, and a Member on the minority side, and anybody else, to have a nice trip to Mexico, even in September; but the pretext that this is for the purpose of representing this Government at a celebration is a mere pretense. The State Department has the authority and the money with which to send a fitting representation to this celebration, or any other celebration throughout the world, as we were just represented at the funeral of King Edward in England without sending any Members of Congress to represent us there, and without any special action on the part of Congress.

Now, the objection I have to this resolution is that it only provides for sending three Members of the House and three Senators on this interesting trip at the expense of the Government. The House has cut off railroad passes from itself. If the other Members go they must pay their own expenses. Why should we select out three gentlemen to have a nice little junket to Mexico and leave the balance of us to stay at home during September. [Laughter.]

If this resolution be not passed, the President of the United States will appoint a representative or representatives of this Government to join in the celebration of the one hundredth anniversary of the freedom of Mexico. But if this resolution passes, we will have a nondescript commission, consisting of three eminent Members of the House, three eminent members of the Senate, and three nondescript members to be appointed by the President, who will not be able to represent this country with fitting dignity, and who no doubt would greatly enjoy the bull fights which will be presented. [Laughter.]

Mr. BURKE of Pennsylvania. Upon what does the gentleman base the assumption that the President of the United States would appoint three men who would be unfit or unqualified to represent this Government in Mexico?

Mr. MANN. I did not base any such assumption and made no such statement.

Mr. COOPER of Wisconsin. He said "nondescript."

Mr. MANN. I said that we would have nine members who would not fittingly represent the Government in this celebration, and I repeat it, although if I might be assured that my distinguished friend from Pittsburg was to go I would retract that statement. [Laughter.]

Possibly if it is left to the State Department they will select my friend from Pennsylvania [Mr. BURKE]. He would not likely be eligible under this legislation, because he is not a member of the Committee on Foreign Affairs, but if left to the appointment of the Secretary of State my friend from Pittsburg is close enough to the Secretary of State to secure this appointment, and in his interest, as well as in the interest of the Republic, I think the resolution ought to be defeated.

Mr. BURKE of Pennsylvania. I think the gentleman from Illinois is unfortunate in not bearing the same relation to the Secretary of State.

Mr. MANN. Oh, I think I am unfortunate in that way myself. [Laughter.]

Mr. FOSTER of Vermont. Mr. Speaker, I yield three minutes to the gentleman from Connecticut [Mr. HILL.]

Mr. HILL. Mr. Speaker, I never heard about this resolution until it was read just now. I visited Mexico in the month of October last year, and, in my judgment, it would be a magnificent thing for this country to have a representation at this centennial celebration. There are a great many Americans in Mexico, and there is probably $500,000,000 of American capital invested in Mexico. I believe that three Members of the House and three members of the Senate would confer dignity upon the American Republic at the centennial of the Republic of Mexico, our nearest neighbor on the south. I hope that this bill will pass. I believe it will be beneficial to the commercial interests of the United States. I believe it will be in entire consonance with the relations we ought to hold with the Republic of Mexico, and that the result will be a more kindly feeling between the people of the Republic of Mexico and the people of the United States if such a delegation is sent. [Applause.]

Mr. FOSTER of Vermont. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I hope that this resolution will pass. It seems to me that the gentleman from Illinois [Mr. MANN] was only trying to laugh out of the House of Representatives something that he does not know very much about. Does he think, really, that a joint resolution to be passed by the House and the Senate and to be signed by the President is not as important as the President sending down a special envoy? I myself consider that for this House of Representatives to decline to pass this resolution, which has been reported favorably and unanimously by the Committee on Foreign Affairs, would be almost insulting to the Republic of Mexico. We have the closest affiliations with Mexico. I can say, as my colleague from Connecticut has said, that I have been down there a number of times. The American interests there are great, and the Mexican people are quick—too quick, perhaps—to take offense where none is intended. If it goes forth to them that we have failed to pass a resolution reported unanimously by the Committee on Foreign Affairs because, forsooth, some one has mentioned facetiously an entertainment consisting of a bullfight, it will be a most unfortunate thing. I hope the resolution will pass. [Applause.]

Mr. FOSTER of Vermont. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I hope this resolution will pass. I live near the Mexican border. I think I am as well acquainted with the people of that Republic as any man in this House. I have occasion to visit the Republic of Mexico each year, and I think it very likely that I will be in Mexico at the time of this celebration. There is a delightful climate there, and I recommend any gentleman who wants to escape from the hot weather to go there. The heat here and the delightful temperature there ought to persuade gentlemen to regard this measure with favor.

Mr. MANN. Then, why does the gentleman limit it to three? Why not make the resolution so that everyone can go there?

Mr. SLAYDEN. The gentleman knows that I had nothing to do with the drafting of the resolution. I am perfectly willing to sign a petition to the Speaker asking that the gentleman from Illinois [Mr. MANN] be sent. The people of Mexico look to this great Republic not only for the development of their commerce, but as an exemplar in politics, and it would be a failure in courtesy if we did not recognize this important anniversary of their political history. Other governments are recognizing it. Delegations are going to Mexico from Spain, from Japan, from France, and perhaps from other countries, and I think that, considering the insignificant cost, it would be a great mistake not to pass this resolution. It is important to Mexico; it is important to gentlemen who have commercial and social relations in Mexico, and there is no country with which we do business where our commerce is developing more rapidly than it is with Mexico. It is of great importance—it is of rapidly increasing importance—and I sincerely hope that for the trifling saving involved that gentlemen will not fail to do this courtesy to Mexico, which I know will be greatly appreciated by that Government and by all the people of Mexico. [Applause.]

Mr. FOSTER of Vermont. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, with all that has been said in favor of this resolution I quite agree. One of the most important events in the history of Old Mexico is the celebration of her centennial. We ought to take an interest in it. We should glory in it. We should aid it. We should participate in it. Everybody knows that there is a great deal of our money invested in Mexico; we do much trade with Mexico; everybody knows that there are many citizens of the United States now living in Mexico. These good people favor this resolution. Our relations with our sister Republic of Mexico are most cordial and very friendly, and we would be false to ourselves and false to free institutions if we did not take official recognition of this centennial celebration of free Mexico and send there official representatives of the great Republic of the United States. So far as I am concerned I will be glad, in line with the suggestion of the gentleman from Illinois [Mr. MANN], to send fifteen Members of the House, fifteen Senators, and fifteen distinguished citizens of our country, to be appointed by the President. It is not going to cost the taxpayers very much, and it will redound to our credit and our glory. I hope the resolution will be adopted unanimously. There should be no opposition to it.

Mr. JAMES. Will the gentleman yield?

Mr. SULZER. Certainly.

Mr. JAMES. Does the resolution provide that it shall not be at government expense?

Mr. SULZER. I understand the resolution carries no appropriation.

Mr. JAMES. No; but is it not true it will be at government expense?

Mr. SULZER. I suppose the Government will pay the necessary expenses of these delegates, but I do not believe that will amount to very much, all things considered.

Mr. JAMES. It is only fair to say——

Mr. SULZER. I believe we ought to recognize officially this centennial celebration of Mexico. The Republic of Mexico is patterned after this Republic, and in sympathy with us, and we ought to be in sympathy with her in every way that we possibly can. I am tired of the cheeseparing efforts on something that relates to patriotism, but when it comes to appropriating great sums of money for special interests I observe that the appropriations generally go through here with hardly anyone rising to object. I trust this resolution will be voted for unanimously. [Applause.]

Mr. FOSTER of Vermont. Mr. Speaker, I yield two minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. MANN. How much time have I remaining?

The SPEAKER. The gentleman from Illinois has fifteen minutes remaining.

Mr. TAYLOR of Colorado. Mr. Speaker, I live in the territory that was originally obtained from the Republic of Mexico, and I sincerely hope that this resolution will be adopted. It is only a proper and courteous recognition of our sister Republic to the south of us. It is certainly a very worthy object that is contemplated, and it seems to me that we, on behalf of this whole country, ought to adopt this resolution unanimously. I am proud to represent many thousands of good citizens of my State who are of Spanish descent, and I know I voice their sentiment in my support of this measure.

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

Mr. TAYLOR of Colorado. Certainly.

Mr. MANN. Does the gentleman think this is a very good policy for us to inaugurate, to send Members of Congress to all celebrations and expositions throughout the country?

Mr. TAYLOR of Colorado. We have but one sister Republic like Mexico, and this is her centennial celebration, and I feel that we can not expend the money better or more patriotically than by showing her this courtesy. It is not only proper in a diplomatic way, but it will pay us financially. I hope to see this country send a commission of distinguished citizens to join with Mexico in the celebration of the first centennial of her Republic, and I hope this Republic may join with her in many more centennials. We not only owe this courtesy to Mexico, but also as a fitting consideration of what I believe are the wishes of the millions of our citizens who live in the territory originally acquired from Mexico. I hope the resolution will be adopted, and that the greatest Republic on earth will be suitably represented next September in the City of Mexico.

Mr. SLAYDEN. Will the gentleman from Illinois permit me to ask him a question?

I want to ask the gentleman if he does not think that even if we did send a similar delegation to the one hundredth birthday of all American republics or limit it only to the one hundredth or the two hundredth birthdays, that it would not be a very great charge upon the Treasury and might be of considerable importance?

Mr. MANN. Oh, well, if you talk about sending delegations only to the one hundredth anniversary that is something that is child's play. No one can draw the distinction between the one hundredth, the two hundredth, the three hundredth, or the one thousandth anniversary, or the fiftieth anniversary or the twenty-fifth anniversary. The occasion is the celebration; and the moment that you make the necessary appropriations by Congress, providing that Members of Congress shall be sent as a commission to these foreign celebrations at the expense of the Government, you are undertaking to make a most dangerous precedent, and one that will recoil on the gentlemen who are favored by it, in my judgment.

Mr. SLAYDEN. The gentleman knows that this is the one hundredth anniversary, and there can not be but one one-hundredth anniversary.

Mr. MANN. If I did not know it before, I know it by reading the bill, for its says: "First centennial of the Republic." That means the one hundredth anniversary, and only that.

Mr. FITZGERALD. Will the gentleman from Illinois yield for a question?

Mr. MANN. I will yield to the gentleman for a speech.

Mr. FITZGERALD. I want to ask the gentleman a question. Does the gentleman think that any Member of Congress will be able to spare the time to attend a celebration of this kind in September next, or a large number of the gentlemen on that side?

Mr. MANN. I know that there are a great many Members on both sides of the House who know that they will not come back here [laughter] who would be very glad to have a chance to get a fine trip at the expense of the Government, vastly more than we think. There is no difficulty on that score. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, I am opposed to this resolution. I believe if the United States is to be represented at a centennial, as provided for in this resolution, it should be represented by commissioners appointed by the Executive. A delegation appointed by the President is now upon the seas to attend some celebration, if I be not mistaken, in the Argentine Republic. Not only has provision been made for their expenses, but an army transport has been put at their disposal, so that they may go in proper style.

I have no sympathy with the idea that there is such similitude between the institutions of Mexico and the United States that requires special representation from the Congress to felicitate Mexico upon its republican institutions. I believe it would be a proper and fit thing for this Government to be represented, but I hope it will be represented by persons selected for that position by the President of the United States. I shall vote against this resolution.

Mr. MANN. Mr. Speaker, if this resolution were necessary in order for this Government to be represented in Mexico, I

should be in favor of it. But it is not necessary at all, because we now have the power to be represented, and they have a contingent fund in the State Department out of which to pay the expenses.

Mr. SCOTT. Can the gentleman state what law gives the State Department authority to appoint a commission of this kind, how many may be appointed, and at what limit of expense?

Mr. MANN. I am not able to refer the gentleman to the statute. I assume that there is a law, because I have not heard the matter denied, and I know it has been the practice to appoint special ambassadors and special representatives abroad, as Colonel Roosevelt was recently appointed in Great Britain. It has been the practice.

Mr. SCOTT. I know it is a common practice to appoint one, but I did not know it was ever the practice to appoint more than one.

Mr. MANN. It is not infrequent to appoint more than one. Now, if we are so anxious to get into touch with Mexico there is one way by which it can readily be done. That is, tear down the tariff barriers and divide our trade with Mexico. [Loud applause on the Democratic side.]

Mr. PAYNE. That would cost more than $10,000.

Mr. MANN. The truth is that Mexico and the United States ought to be held together by very much closer bonds of union, and there ought to be such reciprocity between that republic and this that we would have the best of the market in Mexico and Mexico would have the best of the market in the United States. [Applause on the Democratic side.] This thing of sending only a few Representatives and Senators on a junketing trip, thereby creating a precedent which will be followed at the end of every session of Congress of providing trips abroad at the expense of the Treasury ought not to be indulged in.

Mr. FOSTER of Vermont. I yield two minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the history of Mexico must cause every American to feel proud of the people of that country. Think of the vicissitudes that confronted them in their efforts to achieve their liberty. Our own country, in the sixties, when we were embroiled in trouble ourselves, came to their assistance morally when they were trying to throw off the yoke of an Emperor who had been sent there by a foreign power. These people looked to us for moral assistance, and we did not fail them. In 1876 we celebrated the centennial of our own independence, and I apprehend the people of the United States would have felt cut to the quick if our sister Republic had refused to participate with us in celebrating that event.

Mr. MANN. They would never have found it out.

Mr. KAHN. They would have found it out. The gentleman may think they do not even read his speeches in the CONGRESSIONAL RECORD, but I think some of them do, and they know what is going on here.

Mr. MANN. That is another proof that the people of the United States are intelligent. [Laughter.]

Mr. KAHN. I hope the gentleman will vote for the bill, and that it will go through unanimously. The people of Mexico ought not to be made to feel that there is even one Member of the House who will treat them discourteously when they are celebrating an important event in the history of their country.

Mr. MANN. It has been known for some time when this would occur, I suppose?

Mr. KAHN. True.

Mr. MANN. And I suppose the gentleman has also known that it would be desirable to have representation from our country there?

Mr. KAHN. I am not on the Committee on Foreign Affairs and have not been in communication with the State Department on the subject, but I assume that it would be very important to have representation there.

Mr. MANN. Yet nobody ever seemed to think about this until June 15, when the resolution was introduced, and reported the next day. That is rather late in the day to find out when the one hundredth anniversary would occur.

Mr. KAHN. It may be that the gentleman who introduced the resolution had the matter called to his attention at that time. As far as that is concerned, I do not know how many Members of this House may be familiar with the character of the celebration down there.

Mr. MANN. Is anybody familiar with it? Nobody has explained it yet.

Mr. KAHN. I understand from the chairman of the Committee on Foreign Affairs, or I think I have heard him say, there is to be some kind of an exposition.

Mr. MANN. I listened to the gentleman very carefully and he said it would not be an exposition.

Mr. KAHN. A celebration.

Mr. MANN. Nobody knows what it will be, but if the commission is created, nine gentlemen will go to Mexico at the expense of the Treasury of the United States. We have had no invitation from Mexico.

Mr. FOSTER of Vermont. Oh, I beg the gentleman's pardon. I stated in my opening remarks that the Government of the Republic of Mexico had invited our Government to participate in this celebration.

Mr. KAHN. I so understood the gentleman from Vermont.

Mr. FOSTER of Vermont. We did not write them a letter asking them what kind of a celebration they were going to have.

Mr. MANN. They have not invited Congress to participate in it. They may have invited another department of the Government, which has authority to do so without any action on our part.

Mr. FOSTER of Vermont. They have invited the Government, and Congress is a coordinate branch of the Government.

Mr. MANN. No request has come to this body, and if an invitation came to the Government, nobody here discovered it until toward the end of the session, when it seemed likely that some people would like to have a junket.

Mr. HULL of Iowa. An invitation sent to the President of the United States would be an invitation to the Government, and would cover Congress, as a branch of the Government.

Mr. MANN. If the President had asked Congress to do it, there might be something in it. The President has the authority to accept the invitation. He does not come to Congress to get authority to deal with foreign nations.

Mr. HULL of Iowa. No; but he would have to come to Congress for authority to defray the expense.

Mr. MANN. Not at all. He has a contingent fund under his control for just such purposes.

Mr. HULL of Iowa. I think the President would be criticised if he sent a commission down there for that purpose, without authority from Congress.

Mr. MANN. Certainly not. He uses that fund for just such purposes, or the State Department does.

Mr. FOSTER of Vermont. As I stated in my opening remarks, the Government of Mexico sent an invitation to our Government some weeks ago to participate in this celebration of the first centennial of the Republic. A resolution was introduced by the gentleman from New York [Mr. HARRISON] providing for the appointment of a commission to represent us there. That resolution was referred to the Committee on Foreign Affairs. By that committee it was referred to the State Department. As soon as a report thereon was received from the State Department and as a result of that report this pending resolution was introduced in the House and referred to the Committee on Foreign Affairs. On the following day that committee by a unanimous vote returned the resolution to the House with a favorable report. I submit that the gentleman from Illinois is hardly consistent. In one breath he declares that this resolution provides for a junket, nothing more or less. In the next breath he declares that the State Department has a right to send a delegation to Mexico to represent us at the celebration and would have us infer that such action would not savor of a junket. If it would be proper for the State Department to send a delegation to represent our Government there, and such action would be eminently proper and highly desirable, it is no less proper, no less fitting, no less desirable, for Congress to pass a resolution providing for such a delegation. Last summer we celebrated on the shores of Lake Champlain the three hundredth anniversary of the discovery of that lake. Congress passed a resolution authorizing the President to invite Great Britain and France to be represented at and to participate in that celebration. We appropriated $20,000 with which to entertain the representatives of those Governments. As a result of that invitation Canada sent a distinguished delegation to represent her at the celebration. This event which is to be celebrated next September is interesting in the national life of the neighbor to the south of us. I maintain that we should show sufficient interest in this neighbor to provide for a delegation to participate in the celebration as our representatives. There is absolutely nothing to the suggestion of the gentleman from Illinois [Mr. MANN] that this resolution was purposely delayed until the last days of the session. Immediate action was taken after the report had been received from the State Department upon the subject-matter. I repeat that the Committee on Foreign Affairs were unanimously in favor of the resolution. After the gentleman from New York [Mr. HARRISON] introduced his resolution, many Members of the House on both sides of the aisle expressed their approval of the proposed action, and I believe now that the great majority of the Members of the House believe that the purpose of this resolution is eminently wise.

Mr. Speaker, I call for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. JAMES) there were—ayes 192, noes 30.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DAUPHIN ISLAND RAILWAY AND HARBOR COMPANY.

Mr. TAYLOR of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7908), as amended, to authorize the Dauphin Island Railway and Harbor Company, its successors and assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay, and to dredge the said Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin islands.

The SPEAKER. This bill has been once read. Is a second demanded?

There was no second demanded.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PNEUMATIC TUBES IN THE CITY OF CINCINNATI.

Mr. GOEBEL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 25925) authorizing the Postmaster-General to advertise for the construction of pneumatic tubes in the city of Cincinnati, State of Ohio, with an amendment.

The SPEAKER. This bill has been once read to-day, and the Clerk will report the amendment.

The Clerk read as follows:

Line 10, strike out the word "sixteen" and insert the word "thirteen," so that it will read: "nineteen hundred and thirteen."

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. GOEBEL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. GOEBEL. Mr. Speaker, under the present law the Postmaster-General is authorized to advertise for bids for the construction of pneumatic tubes at a maximum amount of $17,000 per mile per annum, when the distance does not exceed 3 miles. For several years there was an appropriation carried in the post-office appropriation bill for the installation of a pneumatic-tube system in the city of Cincinnati, and in accordance with the general law the Postmaster-General advertised for bids, but was never able to receive bids for the city of Cincinnati, for the very reason that the amount allowed by law, to wit, $17,000 per mile per annum, was too small an amount.

The tube system now in vogue are 6, 8, and 10 inches in diameter. About a year ago the Universal Pneumatic Transmission Company interested the people of Cincinnati in pneumatic tubes and agreed to install a system of pneumatic tubes 30 inches in diameter at their own cost and expense, provided the city of Cincinnati would grant a franchise for the use of the streets and alleys. The people of Cincinnati took up the proposition with the Post-Office Department.

The Postmaster-General appointed a commission composed of six postmasters of the largest cities having a pneumatic-tube system and four experts on pneumatic tubes—a commission of ten. This commission met at Cincinnati, investigated the matter thoroughly, made a report to the Postmaster-General, all of which is contained in the committee report. Now, the purpose of this bill is to enable the Post-Office Department to grant the privilege to the company of the use of the mails during a period of six months. It involves no expenditure on the part of the Government, no appropriation is asked, no obligation is to be entered into until after a test of six months to the satisfaction of the Post-Office Department. This concern is to install this system at its own cost, involving an expenditure of nearly $80,000.

The city of Cincinnati has granted a franchise and is ready and willing to do all that it can to further this project. The Postmaster-General desires authority to permit this concern to experiment with the mails at the city of Cincinnati, reserving all rights as to a contract, and even after it is satisfactory to the Post-Office Department there could be no contract entered into except there is an appropriation, and only at the rate of $17,000 per mile. The distance is less than 1 mile, and the cost of operating, according to the statement of the commission, is $23,000 per mile.

Mr. NORRIS. Will the gentleman yield?

Mr. GOEBEL. Yes.

Mr. NORRIS. How long did the gentleman say the tube was?

Mr. GOEBEL. Thirty inches.

Mr. NORRIS. That is the diameter of the tube. I mean in miles.

Mr. GOEBEL. It is eighty-six one-hundredths of a mile. It is from the post-office to the Union Depot.

Mr. NORRIS. It is merely for the purpose of experiment?

Mr. GOEBEL. Exactly.

Mr. NORRIS. Does the bill carry sufficient authority to authorize the government officials to purchase it after this experiment?

Mr. GOEBEL. Oh, no.

Mr. NORRIS. It will be necessary for another act to pass Congress before that can be done?

Mr. GOEBEL. Entirely so. It carries no obligation at all.

Mr. NORRIS. What has this $17,000 a mile to do with it?

Mr. GOEBEL. Seventeen thousand dollars a mile is the amount that the statute now fixes, and it authorizes the postmaster to contract for the use of the tubes for a distance not to exceed 3 miles at that rate.

Mr. NORRIS. And if it is satisfactory, the price to be paid for it would have to be fixed by a subsequent act of Congress?

Mr. GOEBEL. Entirely so.

Mr. NORRIS. Why is it that the Postmaster-General, under this authority of general law, could not enter into the contract at this time?

Mr. GOEBEL. Oh, I am telling the gentleman that it is simply the use of the mails for experimental purposes. It is simply that these people, after they have constructed this pneumatic-tube system, may be permitted to use the mail for the purpose of experimenting.

Mr. STAFFORD. Mr. Speaker, if the gentleman from Ohio will permit. At present we have pneumatic-tube service in five of the principal cities in the country, for which we pay at the rate of $17,000 per mile. It has been thought for many years that it would be advantageous if there could be some device invented whereby a large bag of mail, without separation of the mail, as is necessary to-day, could be put in the tubes at the railroad stations and transferred to the post-office. This is merely, as the gentleman from Ohio [Mr. GOEBEL] has said, to provide a means for these contractors whereby they may experiment and show to the Government that it is practicable or impracticable, as the case may be.

Mr. GOEBEL. There is to be a six-months' experiment.

Mr. STAFFORD. I can see no objection to the bill.

Mr. MANN. Mr. Speaker, I demanded a second to this bill, but at this late hour of the day and the session I do not feel warranted in consuming time with anything that I have to say unless some other gentleman desires to be heard.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted therefor, the rules were suspended and the bill was passed.

ASSIGNEES OF DESERT-LAND ENTRIES, IMPERIAL COUNTY, CAL.

Mr. SMITH of California. Mr. Speaker, I move to suspend the rules and pass the substitute for the bill (S. 6636) for the relief of assignees in good faith of entries of desert lands in Imperial County, Cal., as amended, which I send to the desk. I will state that the substitute has heretofore been read.

The SPEAKER. To-day?

Mr. SMITH of California. Not to-day.

The SPEAKER. Without objection, it will not again be read, unless some gentleman demands it.

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add a new section, as follows:

"SEC. 3. The provisions of this act shall apply to Imperial County, Cal., only."

The Clerk read the bill, as follows:

Be it enacted, etc., That any person, other than a corporation, who has in good faith heretofore acquired by assignment a desert-land entry, which entry is regular upon its face, in the belief that he was obtaining a valid title thereto, which assignment was accepted when filed at the local land office of the United States and recognized at the General Land Office as a proper transfer of such entry, shall be entitled to complete the entry so acquired, notwithstanding any contest that has been or may be filed against such entry, based upon a charge of fraud of which the assignee had no knowledge: *Provided, however*, That this act shall only apply to any person who at the time of receiving such assignment was without notice of any fraud in the entry assigned or in any annual proof made concerning the same: *Provided further*, That patent shall not issue to any such assignee unless he shall affirmatively establish, by his evidence, under oath, good faith and lack of notice of fraud, and by the testimony, under oath, of himself and at least two witnesses that expenditure in the total amount and cultivation and reclamation to the full extent required by law have been actually made and accomplished: *And provided further*, That nothing

herein contained shall be construed to waive or avoid liability for any fraud or violation of the law on the part of the person committing the same.

SEC. 2. That where a person having made entry under the desert-land law was thereafter permitted by the land department to hold another entry or entries by assignment, or where a person having previously perfected title under assignment of a desert-land entry, or having held land under assignment to the amount of 320 acres or more at different times, was thereafter permitted by the land department to make an entry in his own right, or to hold other lands under assignment, such persons, or their lawful assignees, shall be, upon showing full compliance with all requirements of existing law as to expenditure, reclamation, and cultivation, permitted to complete title to the land now held by them, notwithstanding any contest that may have been or may hereafter be filed against the entry based upon the charge that the present claimant has exhausted his right under the desert-land law by reason of having previously made an entry or held land under an assignment as above detailed: *Provided, however,* That this section shall not be applicable to entries made or taken by assignment subsequently to November 30, 1908: *Provided further,* That no person shall be entitled to the benefits of either the first or second section of this act who has heretofore acquired title to 320 acres of land under the desert-land laws; nor shall this act be construed to modify in any manner the provisions of the act of August 30, 1890 (26 Stats., 391), and the seventeenth section of the act of March 3, 1891 (26 Stats., 1095), restricting the quantity of lands that may be acquired under the agricultural-land laws.

SEC. 3. The provisions of this act shall apply to Imperial County, Cal., only.

The question was taken; and two-thirds having voted therefor, the rules were suspended and the bill was passed.

TO PREVENT COLLUSIONS AMONG BIDDERS ON CONTRACTS, ETC.

Mr. WANGER. Mr. Speaker, by direction of the Committee on Expenditures in the Post-Office Department, I move to suspend the rules and pass the bill S. 8643, with an amendment.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the following Senate bill with an amendment.

The Clerk read the bill as amended, as follows:

A bill (S. 8643) to prevent collusion among bidders on contracts for furnishing supplies to the Post-Office Department or to the postal service, and for other purposes.

Be it enacted, etc., That no contract for furnishing supplies to the Post-Office Department or the postal service shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix the price or prices thereof, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon; and if any person so offending is a contractor for furnishing such supplies, his contract may be annulled, and the person so offending shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not exceeding $5,000, or to undergo an imprisonment not exceeding one year, or to both such fine and imprisonment, in the discretion of the court.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second.

The SPEAKER. Without objection, a second is ordered. [After a pause.] The Chair hears none. The gentleman from Pennsylvania is entitled to twenty minutes, and the gentleman from Wisconsin to twenty minutes.

Mr. WANGER. Mr. Speaker, this bill, as disclosed in the title, is to prevent collusion among bidders on contracts for furnishing supplies to the Post-Office Department or to the postal service, and is asked for by the Postmaster-General, who, in a letter to the chairman of the Senate Committee on Post-Offices and Post-Roads, says, among other things:

Under section 3709 of the Revised Statutes the only way in which supplies for the department can be purchased, except in emergency cases, is by advertising for bids and accepting the proposal of the lowest responsible bidder. In the event of a combination among the bidders to prevent competition, the department may be subject to serious losses through the fixing of higher prices than those obtainable on a proper competitive basis. It is believed that the enactment of the bill herewith inclosed will enable the department to make a considerable saving in its expenditures for supplies.

There have been a number of instances where it looked very much as if there was a combination among bidders, and therefore the necessity for the legislation.

Mr. FITZGERALD. Will the gentleman yield?

Mr. WANGER. Certainly.

Mr. FITZGERALD. Has the department the power now to reject any and all bids for supplies?

Mr. WANGER. Not under the terms of the act requiring all supplies, except in emergency cases, to be contracted for with the lowest bidder.

Mr. FITZGERALD. Under the Revised Statutes does not every department have that power, and if the departments do not have this power and if there is to be any legislation, should not the same legislation apply to all of the departments?

Mr. WANGER. The Revised Statutes require the awards to be accepted from the lowest responsible bidder.

Mr. FITZGERALD. Then there are other provisions providing for the rejection of fictitious bids and requiring the persons to be actually engaged in the particular business with which they propose to furnish supplies, and my recollection—and I am asking for information from the gentleman—is that to-day the War and Navy departments do reserve the right to reject any and all bids submitted in response to invitations and frequently do reject bids. Now, if they have not that power, I am inclined to believe that this bill should include all of the departments and not limit it to the Post-Office Department.

Mr. WANGER. Well, I suppose that the provisions of this bill would properly be made applicable to all the departments, but the legislation was asked for by the Post-Office Department and drafted by it. The bill was passed in the Senate and came to the House as a bill relating simply to the purchase of supplies for the Post-Office Department and the postal service.

Mr. SHERLEY. Does not the Post-Office Department, in fact, reject bids now? I know of one case——

Mr. WANGER. It does, but this situation arises, that at the time it may not be apparent the bid ought to be rejected, whereas subsequent developments might show that the bid ought to have been rejected.

Mr. SHERLEY. Well, does the gentleman desire to give the department the power to reject a bid after they have entered into a contract?

Mr. WANGER. Yes; when, as the bill provides, that "any person so offending" as therein set forth, his contract may be annulled.

Mr. SHERLEY. Well, but any contract can be annulled for fraud. Do you want it annulled where there is no fraud?

Mr. WANGER. The language is:

If any person so offending is a contractor for furnishing supplies, his contract may be annulled, and the person so offending shall be guilty of a misdemeanor.

Mr. SHERLEY. You do not need any law to annul a contract if one of the parties violates its terms. He annuls it by violating it.

Mr. WANGER. Well, it may be that the Postmaster-General does at the present time have authority, and if so, this only confirms it and further declares the collusion to be a misdemeanor.

Mr. SHERLEY. I know of one instance where the Post-Office Department asked for bids for a certain kind of goods, and concluded that the goods to be supplied were not of as good a standard as they wanted, although complying with the terms of the bids, and they canceled that contract and had a new letting.

Mr. WANGER. There may have been instances of that kind, and that fact does not alter the propriety of specifically defining the authority. The Postmaster-General has been asking for this legislation for some time.

Mr. COOPER of Wisconsin. Let me see if I understand. As I understand the provision, it was to apply to a case like this, where a lot of bidders had combined to put up the price. After the contract had been given to one of these bidders in the combination, then the Department discovered that the combination had been made. They could annul the contract.

Mr. WANGER. I think that would be a case of fraud that you could annul it on.

Mr. COOPER of Wisconsin. That is one of the provisions.

Mr. WANGER. Yes, sir.

Mr. STAFFORD. Will the gentleman allow me to ask him a question?

Mr. WANGER. Certainly.

Mr. STAFFORD. I would like to say to him that, through inadvertence, undoubtedly, the Committee on the Post-Office and Post-Roads had a meeting on Saturday last to consider this very bill, and decided not to consider it, because of its many intricate problems. Before the question was voted upon, I offered an amendment to substitute the word "become" for the word "is" in the first line, page 2. In the present wording of the bill it reads:

If any person so offending is a contractor for furnishing such supplies.

Whether there was any collusion with other competitors, as to other contracts that affected that contract, the department would have the right to annul that contract in case the contractor had colluded in obtaining another contract. We understood that as limiting the power to annul the contract only under those circumstances wherever there was collusion in restraint of competition, and therefore suggested in the committee, and if adopted the word "become" in lieu of "is." I would like to ask the gentleman if he would have any objection to that amendment?

Mr. WANGER. Where is that?

Mr. STAFFORD. It is page 2, line 1. The word "is" to be changed to the word "become." As it reads it states "if any person so offending is a contractor" for a certain offense his contract may be annulled.

Mr. WANGER. I have no objection.

Mr. STAFFORD. You can readily conceive of a contractor having various contracts and these other contracts might not

have been vitiated by any fraud, and yet under this phraseology it would permit the department to annul all contracts that any person might have on the ground that he had colluded with others in obtaining a contract. My suggestion is to limit it to that one contract which might be vitiated by fraud.

Mr. WANGER. I beg to suggest to my friend that it is "to become a contractor for furnishing such supplies." Is a contractor for what? Why, certainly "a contractor for such supplies."

Mr. STAFFORD. Well, I think it would be clearer to have the word "become," because it would be limited to that particular contract which could be revoked because of fraud in restraint of competition.

Mr. WANGER. "Becomes" would be the proper word.

Mr. STAFFORD. It is in the subjunctive mood, and the plural verb is proper. "Become" would necessarily be the proper word.

Mr. WANGER. "If any person so offending becomes"——

Mr. COX of Indiana. What does the gentleman think of this language on page 1 of the bill making it a penal offense where one proposes to enter into this combination? Does the gentleman think that is an offense which is punishable by law, or does he not rather think that it could go to the extent that it is an attempt? Has he not to do some overt act to carry an unlawful crime into execution?

Mr. WANGER. What is the language?

Mr. COX of Indiana. Here is the language. It says:

That no contract for furnishing supplies to the Post-Office Department or the postal service shall be made with any person who has entered or proposed to enter, into a combination.

Does the gentleman believe now, where a man simply proposes to enter into an agreement, but actually does not do any overt act, that that is an unlawful crime, that is punishable by fine or imprisonment?

Mr. WANGER. If he has proposed to enter into a combination, I think it is an attempt to commit an offense that ought to be punished.

Mr. COX of Indiana. Without consummation of the act? Without doing any overt act?

Mr. WANGER. If the person attempts to make a combination that has been prohibited, he has done probably all that he could do to bring it about. That surely ought to be punishable.

Mr. COX of Indiana. It is a very serious proposition in my mind as to whether that can be punished.

Mr. WANGER. That is a part of a conspiracy to commit an offense. Do I understand the gentleman from Wisconsin to say that the Committee on the Post-Office and Post-Roads had considered this bill and that it had been referred to a subcommittee?

Mr. STAFFORD. The Post-Office Committee considered this bill last Saturday. We thought that the bill had been referred to our committee, and we considered it for at least half an hour, and after discussion of various points raised by some of the members, we thought it was of sufficient importance to be considered by a subcommittee. Amendments were proposed, and when we saw the far-reaching effect of this bill, it was the best judgment of the committee, unanimously carried, that it should be considered by a subcommittee and not adopted in its present form.

Mr. WANGER. Mr. Speaker, with all due respect to the suggestion that has been made, it seems to me that there is no reason why we should hesitate to declare voidable any contract made by persons who have entered into a combination to prevent free bidding. It ought to be declared to be a misdemeanor by anyone who undertakes to make such a combination to prevent competition.

Mr. SHERLEY. If the gentleman will permit me, theoretically he is right. Theoretically if two men conspire, they have no standing in court or anywhere else; but in point of fact, this gives the department additional ground for one of the evils existing to-day, that of frequently annulling a contract, because the man who happens to get it does not stand in with the department. It has gotten so that merchants in my State have reached the point where many of them almost refuse to do business with the Government, because of this uncertainty, and the constant partiality that is shown to bidders.

Mr. WANGER. What instance can the gentleman cite?

Mr. SHERLEY. I do not want to go into the details or to give names, but I have frequently been called on as a Representative to go to the different departments of the Government, appealing to them for the consideration of bids that were lower than those which other bidders had submitted, and yet the other bidders received the contract. There was always a ready excuse on the part of the department why the particular man got the contract in place of the other.

There is no need of this statute in order to punish people for what you are undertaking to punish them for. You could punish them under the common law and you could punish them for fraud upon the Government, and it seems to me it is dangerous legislation without further consideration.

Mr. WANGER. It seems to me if this legislation was enacted and recited in all the invitations for bids, it would have a remarkably wholesome effect.

Mr. SHERLEY. It would have an infinitely more wholesome result if the country at large could be made to understand that when they do business with the Government they will get the same sort of fair treatment that they get when doing business with private concerns. It is notorious that the Government is the hardest contractor and the meanest to do business with in the whole country, and as there are hundreds of concerns that will not have anything to do with the Government it is limited to a few bidders.

Mr. WANGER. No doubt there are cases where there is just cause for complaint, but on the other hand there is the old saying—

No rogue e'er felt the halter draw,
With good opinion of the law.

And all the contractors who have attempted to put bogus articles upon the Government and have failed in their attempt to pass off inferior articles, and who have not justly and properly filled their contracts in other respects, have complained bitterly of their treatment at the hands of the Government. Many good men have also complained; I will concede that. But on the other hand I have heard from many good men that the Government of the United States is as fair and just a party to deal with as any other institution. A contractor told me only recently that he knew of no other concern with which he had ever dealt that was as careful to give and require accurate weights and measurements as the Government of the United States; that in supplying materials they frequently overmeasured in order to be sure of giving good measures, but when the bill was returned approved by the Government it always set forth the exact length of the material furnished and payment was made on that basis.

I ask for a vote.

Mr. STAFFORD. Mr. Speaker, I yield two minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, there are at least two reasons why this bill should not pass.

As stated by the gentleman from Wisconsin, this bill was considered by the House Committee on the Post-Office and Post-Roads last Saturday, having been sent to that committee through an error. It was considered for more than an hour, at the end of which time the committee considered it so important a bill as to justify its reference to a subcommittee for further consideration.

In the first place, as suggested by the gentleman from Kentucky [Mr. SHERLEY], it is most probable that the offense sought to be described and punished in this bill may be reached under the law at the present time. If that be true, then it is a strong reason for very careful framing of the bill, and for consideration as to whether there is any actual necessity for its passage.

Mr. GOLDFOGLE. Could not the offense be reached under the conspiracy laws?

Mr. SMALL. I think so. At least there is reason enough to believe it, so that the bill should have more mature consideration.

Now, there is one other reason which in my opinion should defeat the bill, regardless of others. That was touched upon by the gentleman from Kentucky [Mr. SHERLEY]. This bill puts it within the power of the Post-Office Department to annul a contract upon ex parte evidence, prior to the conviction of the person who is charged with collusion in the contract for supplies.

That is a dangerous power to repose in any department of the Government. Wherever it has been placed, it has been abused, and it has caused a just amount of criticism, not only against the Post-Office Department, but against other executive departments of the Government. It has reached the stage now, as the gentleman from Kentucky properly said, where the average citizen is afraid to deal with the Government upon equal terms, because of the great latitude and power which rests with the government officials representing the department, and which they frequently use, as citizens think, to deprive citizens of their vested rights, which they have obtained under contract.

This bill, which adds another power of that character to the Post-Office Department, will, as future experience will demonstrate, give rise to acts of flagrant injustice perpetrated upon citizens and corporations, not with any corrupt purpose or intent on the part of any official, but because it is such a power

as ought not to be trusted to any official of the Government to exercise. The very moment that suspicion of collusion attaches to any person who obtained the contract for supplies and ex parte evidence has been furnished by the inspector from the department, then the proper official would at once proceed to annul the contract. That contract may be annulled under conditions where the party may be innocent and where subsequently the person may be acquitted, and yet he will be without redress because probably at that stage the time for compliance with the contract has passed and the citizen will be substantially without remedy.

So, unless this bill should be substantially amended in this respect, at least to the extent that no contract may be annulled except after conviction, it ought not to pass. It puts too much power in the Post-Office Department. That was the unanimous opinion of the Post-Office Committee, and I think on reflection it will be the opinion of the House.

Mr. WANGER. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. WANGER. Is not the provision contained in this bill the exact provision contained in section 3950 with reference to contracts for carrying the mail?

Mr. SMALL. I understand that it is, but because we have made a mistake in a similar statute in the past is no reason why we should continue to make the same mistake.

Mr. WANGER. Is there any evidence that there has been any honest contractor hurt by the provisions of section 3950?

Mr. SMALL. I can not recall any concrete case, but it is a matter of common knowledge that in relation to second-class matter and other laws wherein the Post-Office Department and the other departments of the Government have had such a power, not only occasionally but frequently, complaints on the part of citizens that such power as this vested with the officials of the Government has been exercised in an autocratic and unjust manner, involving the invasion of the vested rights of citizens and corporations. But it is because I do not think we ought to repeat this mistake and engraft it again in any statute affecting any department of the Government that I have called it to the attention of the House in order that the Members may understand the purport of the statute which it is asked to enact.

Mr. STAFFORD. Mr. Speaker, in demanding a second on this bill I was prompted to do it because of the action of the Committee on the Post-Office and Post-Roads last Saturday in deciding after an hour's consideration that it was too important a measure to be passed without thorough consideration, and so the Committee on the Post-Office and Post-Roads, under the apprehension that the committee had charge of the bill, referred it to a subcommittee for consideration.

The objections advanced to this bill by the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from North Carolina [Mr. SMALL] were strongly advanced by various members in the committee. The purpose of this bill is to vest in the department the right to annul a contract whenever it believes after any investigation it may make that there has been collusion among the contractors for furnishing supplies. We can all realize that such a broad discretion vested in the department might be liable to abuse.

The question is whether we should vest in the post-office officials unlimited right, without any restraint or limitation whatsoever, to cancel a contract after it has been entered into, upon their surmise or upon their conclusion that there has been collusion somewhere between the contractors. I can only call to the attention of the House the fact that a large number of the members of the Post-Office Committee believe that that was too great an authority to be vested in the Post-Office Department, to cancel contracts that have been solemnly entered into merely upon their finding or believing that there has been some collusion in the making of that contract.

As far as the penal provisions of this bill are concerned, there is no question but that under existing law, under the conspiracy statute, if the competitors furnishing supplies to the Government, or any branch of the Government, should enter into a conspiracy to restrain competition or to raise prices they would be within the purview of the general statute and liable to punishment.

Mr. KEIFER. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. KEIFER. I understood the gentleman to say that it was a dangerous power to vest in the Post-Office Department to set aside a contract on account of any collusion in the making of it.

Mr. STAFFORD. After a contract had been entered into, to vest in a department or the head of the department the privilege of allowing him to violate the contract without any remedy whatsoever to the contractor.

Mr. KEIFER. Is it not the law now that anybody, the Post-Office Department or any other department, may set aside a contract that is made through conspiracy?

Mr. STAFFORD. There is no question about the fundamental principle that fraud vitiates a contract; but the idea of this bill is to extend that provision and leave it to the department officials in any case, whether fraud is present or not, to vitiate the contract upon the possible surmise or determination of some department official. That is a very radical departure, and it is a questionable power to be vested in a department official after a contract has been entered into.

Mr. WANGER. Does the gentleman believe that the Postmaster-General revokes contracts merely upon surmise?

Mr. STAFFORD. I do not believe that the Postmaster-General himself would purposely violate any contract unless there were good reasons for such action, but we all know that the Postmaster-General can not be acquainted with all of the multifarious affairs of the postal service, and that he must rely on the recommendations of subordinates. I think that the argument advanced by the gentleman from Kentucky [Mr. SHERLEY], in which he cited instances where merchants have refused to enter into contracts for furnishing supplies to municipalities, is a striking example of what may occur in case we vest too great authority in the officials of the department. I am only advancing this in fairness to the Members of the House, and state the reasons that prompted the Committee on the Post-Office and Post-Roads last week in believing this bill was too important to pass as it came from the Senate, and that it should be referred to a subcommittee for consideration.

Mr. GOLDFOGLE. May I ask the gentleman a question?

Mr. STAFFORD. I yield to my friend.

Mr. GOLDFOGLE. Is there any provision giving a remedy to the contractor for the annulling of the contract?

Mr. STAFFORD. There is no provision whatever, and the contractor under this statute would have no remedy whatever.

Mr. GOLDFOGLE. And no regulation for a hearing?

Mr. STAFFORD. None whatsoever is carried in the phraseology of the bill. I reserve the balance of my time.

Mr. WANGER. Mr. Speaker, I would again call the attention of the House to the fact that the provisions with reference to the annulment of contracts are practically a transcript from section 3950, which was enacted June 8, 1872, and of the abuse of which legal authority no instance has been cited to the House. Now, we have on the one hand the head of this great administrative department asking for this legislation and on the other we have nothing but surmises and an imputation that careless, reckless, unjust, ill-considered action would be taken by that great administrative officer.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. WANGER. Certainly.

Mr. COX of Indiana. The gentleman admits, does he not, that under the provisions of the pending bill it would place this power in the Postmaster-General upon merely ex parte evidence to determine whether the contract was fraudulent?

Mr. WANGER. It rests in the first instance with the Postmaster-General to declare the contract annulled in this case just as it is with reference to mail contracts every since 1872, and of course he is governed by legal principles.

Mr. COX of Indiana. In other words, it makes the Postmaster-General, if it becomes a law, the court and jury to determine that question.

Mr. WANGER. In the first instance, certainly.

Mr. COX of Indiana. Can the gentleman take this bill and point out any remedy whereby the contractor would have for damages against any decision or determination rendered by the Postmaster-General?

Mr. WANGER. It is not the function of a bill of this kind, any more than it is of section 3950, to contain any such provision or any other legislative provision of the same character for the protection of rights which are otherwise safeguarded.

Mr. STAFFORD. If the gentleman will permit, since I had the floor my attention has again been called to the phraseology of the bill, and I find nowhere in the bill any discretion that this privilege, this power, should be exercised by the Postmaster-General. We have been proceeding on the assumption that this power would be vested in the Postmaster-General, but under the phraseology it can be exercised by any clerk or any member of the department.

Mr. WANGER. Oh, well, if every clerk in the Post-Office Department can run the department, that is a fair criticism; but if the Postmaster-General is the chief, it is not a fair criticism.

The question was taken, and the Chair announced the ayes appeared to have it——

Mr. STAFFORD. Division, Mr. Speaker.

The House divided; and there were—ayes 60, noes 39.

So the motion to suspend the rules and pass the bill was rejected.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KEIFER. I desire to submit a report of a committee of conference of a disagreement.

The SPEAKER. For printing under the rule?

Mr. KEIFER. For printing under the rule.

The SPEAKER. The gentleman from Ohio submits the following conference report for printing under the rule——

Mr. PAYNE. Mr. Speaker, I move that the House now take a recess until 8 o'clock this evening.

The SPEAKER. Does the gentleman move to insist upon the House amendment?

Mr. KEIFER. I do not ask for any action. The action has to be taken by the Senate. I desire simply to report it. The first action, I understand, will be taken in the Senate.

The SPEAKER. The usual course of procedure in the House in such case is to——

Mr. KEIFER. I do not care to call it up to-night.

The SPEAKER. The gentleman can call it up to-morrow morning, then.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 20578, the pension appropriation bill, having met, after full and free conference report to their respective Houses as follows:

That the conferees have been unable to agree.

J. WARREN KEIFER,
H. M. SNAPP,
JNO. A. KELIHER,
Managers on the part of the House.

HENRY E. BURNHAM,
REED SMOOT,
ROBT. L. TAYLOR,
Managers on the part of the Senate.

ANADARKO, OKLAHOMA.

Mr. CAMPBELL. Mr. Speaker, I submit a conference report for printing under the rule.

The Clerk read as follows:

A bill (H. R. 18978) to authorize the Secretary of the Interior to issue patent to the city of Anadarko, State of Oklahoma, for a tract of land, and for other purposes.

The conference report (No. 1667) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 18978, an act 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu the following:

"SEC. 3. That an appeal to the Supreme Court of the United States in all suits affecting the allotted lands within the eastern district of Oklahoma, or on demurrers in such suits appealed to the United States circuit court of appeals, eighth circuit, is hereby authorized to be made by any of the parties thereto, including appeals from orders reversing judgments of the trial court."

And the Senate agree to the same.

P. P. CAMPBELL,
BIRD MCGUIRE,
JNO. H. STEPHENS,
Managers on the part of the House.

R. L. OWEN,
GEO. E. CHAMBERLAIN,
CARROLL S. PAGE,
Managers on the part of the Senate.

STATEMENT.

To accompany the conference report on the disagreement of the two Houses on the amendments of the Senate to House bill 18978, report No. 1667.

The Senate receded as to its amendments Nos. 1 and 2. These amendments related to the affairs of the Five Civilized Tribes. The House receded as to its disagreement on amendment No. 3, and agreed with an amendment making more clear the purpose of its amendment.

The amendment provides for an appeal to the Supreme Court of the United States in suits growing out of or affecting allotted lands within the eastern district of Oklahoma.

CRAWFORD, NEBR.

By unanimous consent, reference of the bill (S. 5319) for the relief of the city of Crawford, in the State of Nebraska, was changed from the Committee on Military Affairs to the Committee on Claims.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 8 o'clock this evening.

The SPEAKER. Pending which the bill (H. R. 26877) to permit William H. Moody, an associate justice of the Supreme Court of the United States, to retire will lie on the table, a similar bill having been passed. The gentleman from New York moves that the House take a recess until 8 o'clock.

The question was taken, and the motion was agreed to; and accordingly (at 5 o'clock and 40 minutes p. m.) the House was declared in recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session.

NAVAL APPROPRIATION BILL.

Mr. FOSS of Illinois presented a conference report on the bill (H. R. 23311) making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes, to be printed under the rule.

The conference report (No. 1669) and statement of the House conferees are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23311) making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 17, and 48.

That the House recede from its disagreement to the amendments of the Senate numbered 49, 50, and 52, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "The pay and allowances of chiefs of bureaus of the Navy Department shall be the highest shore-duty pay and allowances of the rear-admiral of the lower nine; and all officers of the navy who are now serving or shall hereafter serve as chief of bureau in the Navy Department and are eligible for retirement after thirty years' service, shall have, while on the active list, the rank, title, and emoluments of a chief of bureau, in the same manner as is already provided by statute law for such officers upon retirement by reason of age or length of service, and such officers, after thirty years' service, shall be entitled to and shall receive new commissions in accordance with the rank and title hereby conferred;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"Distribution of duties: The duties assigned by law to the Bureau of Equipment shall be distributed among the other bureaus and offices of the Navy Department in such manner as the Secretary of the Navy shall consider expedient and proper during the fiscal year ending June thirtieth, nineteen hundred and eleven, and the Secretary of the Navy, with the approval of the President, is hereby authorized and directed to assign and transfer to said other bureaus and offices, respectively, all available funds heretofore and hereby appropriated for the Bureau of Equipment and such civil employees of the bureau as are

authorized by law, and when such distribution of duties, funds, and employees shall have been completed, the Bureau of Equipment shall be discontinued, as hereinbefore provided: *Provided*, That nothing herein shall be so construed as to authorize the expenditure of any appropriation for purposes other than those specifically provided by the terms of the appropriations, or the submission of estimates for the naval establishment for the fiscal year nineteen hundred and twelve, except in accordance with the order and arrangement of the naval appropriation act for the year nineteen hundred and ten: *Provided further*, That the Secretary of the Navy shall report to Congress at the beginning of its next ensuing session the distribution of the duties of the Bureau of Equipment made by him under the authorization herein granted, with full statement in relation to said distribution and the performance of navy-yard work therein involved: *And provided further*, That line officers may be detailed for duty under staff officers in the manufacturing and repair departments of the navy-yards and naval stations, and all laws or parts of laws in conflict herewith are hereby repealed."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"The Secretary of the Navy is hereby authorized and directed to enter into an agreement with the Philadelphia, Baltimore and Washington Railroad Company for the construction, maintenance, and operation, by and at the sole expense of said company, of a sufficient and satisfactory track connection, with such turn-outs and sidings as may be deemed necessary or convenient, to be established and operated from a point on the main running tracks of said Philadelphia, Baltimore and Washington Railroad Company at or in the general vicinity of square south of square one thousand and eighty, in the District of Columbia, and extending generally along the water front of the Anacostia River at such distance north of the present north bulkhead line of said river as the Commissioners of the District of Columbia may indicate and approve, to a connection with the track system of the United States navy-yard, at or in the vicinity of the east line of Ninth street SE., as said system is now or may be hereafter established: *Provided*, That such track connection, so far as the same may project or extend beyond the right of way or property now owned or occupied by said railroad company, shall be constructed wholly upon a suitable and satisfactory right of way to be provided for such purposes by the United States, the title to which shall at all times remain in the United States: *Provided further*, That, so far as may be consistent with the public interests, said track connection with its appurtenant turn-outs and sidings shall be located and constructed in, upon, over, and through public grounds, space, and streets of the United States, as the same are now, or may be hereafter, ascertain and established.

"Upon the execution of the agreement above provided for, the Secretary of the Navy is hereby authorized and directed to acquire any part of the land or property necessary for yardage or right of way, by purchase or condemnation, and to construct the connections, side tracks, turn-outs, and switches necessary to the proper operation of the yard system in connection with said branch track, and for such purpose the sum of one hundred and thirty-six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

"The work of constructing the track connection between the points above specified shall be begun by the Philadelphia, Baltimore and Washington Railroad Company within two months after the right of way necessary therefor shall have been acquired and provided, and the track connection shall be completed and put in operation within fifteen months from the beginning of its construction: *Provided*, That said Philadelphia, Baltimore and Washington Railroad Company shall not be required to expend in the construction of said track connection any sum in excess of ninety-two thousand five hundred dollars, being the present estimated cost of such construction.

"Pending the completion of the track connection above provided for, the Philadelphia, Baltimore and Washington Railroad Company is hereby authorized to maintain its track connection with the United States Navy-Yard as at present existing, and to continue the operation thereof under such rules and regulations as may be established by the Commissioners of the District of Columbia for the governance thereof: *Provided*, That within thirty days after the completion of the new track connection with the United States Navy-Yard, hereinbefore authorized and provided for, said Philadelphia, Baltimore and Washington Railroad Company shall, at its own expense, remove said existing track connection and restore and make the surface of the streets over and through which the same is laid satisfactory to the Commissioners of the District of Columbia: *Provided further*, That Congress reserves the right to alter, amend, or repeal this act."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and forty-six thousand two hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 51: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 51, and agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three million seven hundred and seventy;" and the Senate agree to the same.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.
GEO. C. PERKINS,
EUGENE HALE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the second conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23311) making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 6: The House recedes with an amendment providing for the pay and allowances and retirement of chiefs of bureaus of the Navy Department in the grade of rear-admiral, lower nine, and also provides for a commission being issued to such officers after thirty years' service.

Amendment No. 10: The House recedes with an amendment which allows the Secretary of the Navy to distribute the work of that bureau among the other bureaus and offices of the Navy Department in such manner as he shall consider expedient and proper for the year ending June 30, 1911, and discontinues the Bureau of Equipment as therein provided, and provides for a report to be sent to Congress showing such distribution and the effect upon work and duties in navy-yards, and provides further that line officers may be detailed in the manufacturing and repair departments of navy-yards for duty under staff officers.

Amendment No. 12: The House recedes with an amendment and substitutes in lieu thereof the following:

"The Secretary of the Navy is hereby authorized and directed to enter into an agreement with the Philadelphia, Baltimore and Washington Railroad Company for the construction, maintenance, and operation, by and at the sole expense of said company, of a sufficient and satisfactory track connection, with such turn-outs and sidings as may be deemed necessary or convenient, to be established and operated from a point on the main running tracks of said Philadelphia, Baltimore and Washington Railroad Company at or in the general vicinity of square south of square 1080 in the District of Columbia and extending generally along the water front of the Anacostia River at such distance north of the present north bulkhead line of said river as the Commissioners of the District of Columbia may indicate and approve, to a connection with the track system of the United States navy-yard at or in the vicinity of the east line of Ninth street SE. as said system is now or may be hereafter established: *Provided*, That such track connection, so far as the same may project or extend beyond the right of way or property now owned or occupied by said railroad company, shall be constructed wholly upon a suitable and satisfactory right of way to be provided for such purpose by the United States, the title to which shall at all times remain in the United States: *Provided further*, That, so far as may be consistent with the public interests, said track connection, with its appurtenant turn-outs and sidings, shall be located and constructed in, upon, over, and through public grounds, space, and streets of the United States as the same are now, or may be hereafter, ascertained and established.

"Upon the execution of the agreement above provided for, the Secretary of the Navy is hereby authorized and directed to acquire any part of the land or property necessary for yardage or right of way, by purchase or condemnation, and to construct

the connections, sidetracks, turn-outs, and switches necessary to the proper operation of the yard system in connection with said branch track, and for such purpose the sum of $136,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

"The work of constructing the track connection between the points above specified shall be begun by the Philadelphia, Baltimore and Washington Railroad Company within two months after the right of way necessary therefor shall have been acquired and provided, and the track connection shall be completed and put in operation within fifteen months from the beginning of its construction, provided that said Philadelphia, Baltimore and Washington Railroad Company shall not be required to expend in the construction of said track connection any sum in excess of $92,500, being the present estimated cost of such construction.

"Pending the completion of the track connection above provided for, the Philadelphia, Baltimore and Washington Railroad Company is hereby authorized to maintain its track connection with the United States navy-yard as at present existing, and to continue the operation thereof under such rules and regulations as may be established by the Commissioners of the District of Columbia for the governance thereof, provided that within thirty days after the completion of the new track connection with the United States navy-yard, hereinbefore authorized and provided for, said Philadelphia, Baltimore and Washington Railroad Company shall, at its own expense, remove said existing track connection and restore and make the surface of the streets over and through which the same is laid satisfactory to the Commissioners of the District of Columbia: *Provided*, That Congress reserves the right to alter, amend, or repeal this act."

Amendment No. 15 provides for an appropriation of $50,000 for a rifle range at the Charleston Navy-Yard, and the Senate recedes.

Amendment No. 17 provides for a quay wall at the naval station, Key West, Fla., $140,000, and the Senate recedes.

Amendment No. 18 is a change of total to $6,446,250.

Amendment No. 48 strikes out the House provision for four submarine torpedo boats and provides for five submarine torpedo boats, and the Senate recedes, leaving the House provision for four submarine torpedo boats.

Amendment No. 49 provides for six torpedo-boat destroyers, and the House recedes.

Amendment No. 51 provides for the reappropriation of an unexpended balance to be made available for the construction of the collier designated to be built on the Pacific coast by the act approved May 13, 1908, provided that the cost of said collier shall not exceed $1,000,000.

Amendment No. 52 strikes out a proviso relating to the manufacture of armor and armament which is in the nature of surplusage, and the House recedes.

Amendment No. 53 is a change in total under "Increase of the navy," to $33,770,346.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

HOMESTEADERS ON LANDS TO BE IRRIGATED.

Mr. REEDER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1874) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902.

The Clerk read the bill, as follows:

Be it enacted, etc., That all qualified entrymen who have heretofore made bona fide entry upon lands proposed to be irrigated under the provisions of the act of June 17, 1902, known as the national irrigation act, may, upon application and a showing that they have made substantial improvements, and that water is not available for the irrigation of their said lands, obtain leave of absence from their entries until water for irrigation is turned into the main irrigation canals from which the land is to be irrigated: *Provided*, That the period of actual absence under this act shall not be deducted from the full time of residence required by law.

The SPEAKER. Is a second demanded?

Mr. FOSTER of Illinois. Mr. Speaker, I demand a second.

Mr. REEDER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. REEDER. Mr. Speaker, this is the bill as it came from the Senate, and it provides that these people shall be permitted to leave their claims where water has not been furnished in the ditches, provided they have made substantial improvements, and only until such time as the water is turned into the ditches.

Mr. FOSTER of Illinois. May I ask the gentleman, does this leave of absence apply where there is no project of a ditch?

Mr. REEDER. No; it is to be on reclamation projects.

Mr. FOSTER of Illinois. It is to be only on reclamation projects?

[Mr. TAYLOR of Colorado addressed the House. See Appendix.]

Mr. MANN. I quite agree with the gentleman in what he has said. In the report in this case it states that the Secretary of the Interior calls attention to the advisability of framing the bill so as to allow the department to use its discretion in granting applications for leave of absence to the end that the relief must be sought by bona fide entrymen.

This has been done in this bill as it comes from the committee, so the report states. That is an erroneous statement. It has not been done in the bill and no discretion is given to the department. I would like to ask whether the gentlemen are willing to insert an amendment making it within the discretion of the Secretary of the Interior.

Mr. MONDELL. I think the intent of the Secretary's suggestion has been carried out by the provision which says that only entrymen can take advantage of it who have made substantial improvements. Of course an entryman who has made substantial improvements is a bona fide entryman, and while the bill does not leave it within the discretion of the Department of the Interior that he shall grant the leaves, it does limit it to those who have made substantial improvements.

Mr. TAYLOR of Colorado. It is a humane measure.

Mr. MANN. If properly used; but the department ought to have the discretion in relation to it. The letter of the Secretary says it is desirable that the discretion be left to the department with reference to granting such leaves of absence from the homesteads. Now, what objection is there to putting it in that shape?

Mr. TAYLOR of Colorado. No objection. The only thing is whether or not it will not get lost in the conference before we close.

Mr. MANN. Oh, the Senate will agree to it in two minutes.

Mr. TAYLOR of Colorado. Let me suggest that these people, if they go out of town, I have heard it stated, even for their mail, must contest their rights. They have to stay there, and it is a hardship without any good.

Mr. MANN. I agree with the gentleman that there ought to be some legislation on the subject, but I do not think there ought to be unlimited right on the part of the people to go off and stay away as long as they may please.

Mr. TAYLOR of Colorado. It is only until the Government gets the water into the canal. That is not going to be forever.

Mr. MONDELL. Let me make this suggestion: This bill can only apply to those who settle under the reclamation project from the time the reclamation law was passed up to about three years ago. About three years ago the department inaugurated the policy of withdrawing the lands under the second form and not allowing any settlement until the water was turned on.

It seems to me that this is a sufficient guard; it only applies to those who have been on the land some time. They must make their applications in any event, and the applications must be passed upon; there must be substantial improvements.

Mr. MANN. What are substantial improvements nobody can determine. Here is an absolute right granted, and unless there be some discretion in the department——

Mr. TAYLOR of Colorado. Let me suggest that the only objection I can see is that this bill applies to poor people, and they have got to hire a lawyer and present a petition, have it sent to Washington, have to wait a year for it to be passed upon.

Mr. MANN. That is the provision in the bill; they will not have to hire a lawyer, but they have to make application.

Mr. TAYLOR of Colorado. Well, if the gentleman insists, I do not object.

Mr. MANN. My judgment is that it might not get through at all if it is not in. I do not mean the House.

Mr. REEDER. I do not see any good reason why it should not be inserted.

Mr. MANN. The suggestion is to insert after the word "lands," line 9, the words "within the discretion of the Secretary of the Interior."

Mr. Speaker, I ask unanimous consent to amend the bill by inserting after the word "lands," in line 9, the words "within the discretion of the Secretary of the Interior."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "lands," insert "within the discretion of the Secretary of the Interior."

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

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

Mr. TAYLOR of Colorado. Mr. Speaker, I desire to make the same request.

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

RETURN OF UNDELIVERED LETTERS, ETC.

Mr. WEEKS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 8094) to provide for the return of undelivered letters, and for other purposes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3939 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 3939. When the writer of any letter on which the postage is prepaid shall indorse on the outside thereof his name and address, such letter shall not be advertised, but, after remaining uncalled for at the office to which it is directed the time the writer may direct or the Postmaster-General prescribe, shall be returned to the writer without additional charge for postage, and if not then delivered, shall be treated as a dead letter."

The SPEAKER. Is a second demanded?

Mr. GOLDFOGLE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered. [After a pause.] The Chair hears none. The gentleman from Massachusetts is entitled to twenty minutes and the gentleman from New York is entitled to twenty minutes.

Mr. GOLDFOGLE. I would like to have an explanation of the bill from the gentleman from Massachusetts.

Mr. WEEKS. Heretofore when letters have had on the envelope a return address printed or in any form, and if the request is not for a definite time, as for five, ten, or twenty days, they have been held thirty days and then returned to the sender. In the change which is proposed such letters, when they are not delivered to the persons to whom they are addressed, will be returned to the sender at once. When the original act was passed most people went to the post-office to get their mail. Now, in the larger places, the mail is delivered to them.

Mr. GOLDFOGLE. You say at once the letter will be returned?

Mr. WEEKS. I should qualify that by saying that if the person is not found at the place to which the letter is addressed, then the usual method will be taken to look him up, as in the case of any other letter, but if the addressee is not found, then the letter will be returned at once to the sender. By this change, instead of the letter remaining in the post-office thirty days, as heretofore, to be handled over and over again and taking up valuable space, the letter will be returned to the sender and the department will be relieved of it.

Mr. GOLDFOGLE. Does not the bill provide it shall be returned to the sender in the event that the letter can not be delivered at the address stated on the envelope?

Mr. WEEKS. It does.

Mr. GOLDFOGLE. Do not you see what that leads up to? I assume the practice now is for the carrier to make an endeavor to find the addressee, either at the place mentioned on the envelope or at some other place. Now, under the terms of the bill as I have heard it read—I may be mistaken about it, but as I recall the bill—it requires a return at once to the sender in the event the carrier can not deliver it to the address stated on the envelope. I think that would be bad.

Mr. WEEKS. The gentleman is wrong in that. The usual precautions will be taken to deliver the letter; the usual means will be taken to deliver the letter to the person to whom it is addressed, and then it may be returned by order of the Postmaster-General.

Mr. BENNET of New York. Will the gentleman yield two or three minutes to me?

Mr. WEEKS. I yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, during this session of Congress my colleagues, Mr. FORNES and Mr. GOULDEN, and myself went through the post-office at New York City, and we were shown bundle after bundle of letters lying there awaiting return, and Postmaster Morgan, who went with us, explained the importance of this change which is now proposed, and said that if there was such a law the work of the postal clerks could be very greatly reduced and the work of the department would be greatly reduced by sending letters back where there was an address on the envelope. It was explained that the business would be facilitated and the work of the department would be greatly reduced. I do not doubt to-night there is in the post-office in New York City great masses of mail that could be returned at once if this bill was passed, and I hope it will be passed.

Mr. WEEKS. Mr. Speaker, I want to add to that, the department estimates there will be a saving of $50,000 in handling the mail, in addition to the valuable space that will be saved in having these letters returned to the sender.

Mr. GOLDFOGLE. That explanation is satisfactory.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

WITHDRAWAL OF PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill H. R. 24070, as it passed the Senate, may be printed in the RECORD.

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

The bill is as follows:

An act (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

Be it enacted etc., 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, including the District 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.

SEC. 2. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates: *Provided*, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who, at such date, is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work: *And provided further*, That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to the passage of this act: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

SEC. 3. That the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.

INVESTIGATION OF NATURALIZATION PROCEEDINGS IN NEW YORK.

Mr. GOLDFOGLE. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I move to suspend the rules and pass the following resolution (H. Res. 733) and agree to the amendment of the committee.

The SPEAKER. The gentleman from New York, by direction of the Committee on Immigration and Naturalization, moves to suspend the rules and agree to the following House resolution as amended.

The Clerk read as follows:

House resolution 733.

Whereas it has been recently charged in the public press and has been otherwise publicly stated that the conditions existing in the offices of the several clerks of the courts having jurisdiction to naturalize citizens in the southern district of New York are such that a very large number of persons desirous of declaring their intention to become citizens, and applicants for naturalization and witnesses in naturalization cases have been, and are, greatly delayed at such offices to an extent that they have been, and are, compelled to stand in long lines for many hours, and sometimes days, awaiting an opportunity to present and make their declarations, petitions, and proofs, and that frequently, because of such delays and the overcrowding and obstructions resulting therefrom, a large number of applicants for naturalization and their witnesses were, and are, unable to appear before and be properly attended to by the officials in such offices, and that in consequence thereof in many cases did forego and abandon making their declarations and applications: Therefore be it

Resolved, That the Committee on Immigration and Naturalization are hereby empowered and directed to make investigation into the matters hereinbefore recited and the conditions alleged to exist, and that such committee report at the earliest time practicable the result of their investigation, with their recommendation as to what remedy ought to be provided to correct the conditions complained of, if they find them to exist; and that said committee may make such investigation by or through any subcommittee it may appoint from its members; that said committee, or its subcommittee, have power to send for persons and papers, examine witnesses, employ stenographers and other necessary

clerical help to make such investigation; and said committee, or its subcommittee, may sit during the session and recess of the House, and make a report on or before January 1, 1911, and the expense not to exceed the sum of $2,500, of making said investigation, certified by the chairman of the committee, shall be paid out of the contingent fund of the House.

The SPEAKER. Is a second demanded?

Mr. FOSTER of Illinois. I demand a second.

The SPEAKER. Without objection, the second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] is entitled to twenty minutes, and the gentleman from Illinois [Mr. FOSTER] is entitled to twenty minutes.

Mr. GOLDFOGLE. Mr. Speaker, the preamble recites fairly the conditions that exist in the southern district of New York. Those conditions there have given rise to a great deal of complaint. Hundreds of men have gone to the naturalization office for the purpose of having the necessary papers prepared for the purpose of securing naturalization or making their preliminary declarations, and they have been unable to have their matters attended to because of the congested condition existing in those offices. The citizens in New York who have come with the applicants for the purpose of vouching for them, as required by the naturalization laws, have lost days and weeks going to these offices.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question?

Mr. GOLDFOGLE. Certainly.

Mr. COX of Indiana. How does the gentleman propose to expend this $2,500?

Mr. GOLDFOGLE. I do not know that all of it will be expended, but it will be necessary to make an examination there, so as to secure facts and data upon which to formulate legislation. It will be advisable for some of the committee—a subcommittee—to go to New York and ascertain the conditions for an authentic report.

Mr. COX of Indiana. The gentleman means during the vacation?

Mr. GOLDFOGLE. I presume so. If we intend to get any relief by the next session, it will certainly have to be done in the meantime.

Mr. COX of Indiana. And make a report at next session?

Mr. GOLDFOGLE. It means that the committee desires to have the information sought by the inquiry contemplated by the resolution before they will report legislation which is so necessary and desirable.

Mr. COX of Indiana. Which committee?

Mr. GOLDFOGLE. The Immigration Committee.

Mr. COX of Indiana. Then, if I understand the purport of the gentleman's resolution, it is that it will sit during the session.

Mr. GOLDFOGLE. Or some subcommittee.

Mr. COX of Indiana. Some subcommittee?

Mr. GOLDFOGLE. Certainly; it is absolutely necessary. Many and different remedies have been proposed, both by the people from my city and people from elsewhere. I do not know that any of the remedies suggested up to this time would meet with the approval of the Committee on Immigration and Naturalization. In order to determine just where the trouble lies, and how to correct the evil, this investigation is proposed by our committee.

Mr. FITZGERALD. Will my colleague yield for a question?

Mr. COX of Indiana. Does the gentleman think that the Committee on Immigration will be able to solve the problem?

Mr. GOLDFOGLE. I believe we can.

Mr. COX of Indiana. The gentleman has some idea in his mind what ought to be done?

Mr. GOLDFOGLE. Yes; I have an idea; but it does not follow the Committee on Immigration and Naturalization will accept my idea as the correct one.

Mr. COX of Indiana. I suppose the gentleman has brought his idea to the attention of the Committee on Immigration already, has he not?

Mr. GOLDFOGLE. Yes; I have. But as to the kind of legislation that will meet the difficulties encountered by those who must resort to these naturalization offices we will have to have information of a character that can not be questioned by the membership of this House, that they may realize as much as the New York Members realize that legislation to relieve the situation is highly necessary.

Mr. COX of Indiana. Has the gentleman undertaken to present the conditions to this House?

Mr. GOLDFOGLE. Yes. The CONGRESSIONAL RECORD will show that I called the attention of this House on a previous occasion to the situation. So, also, did some of my colleagues.

Mr. COX of Indiana. Has the committee any fixed knowledge as to how they expect to do that?

Mr. GOLDFOGLE. They are not officially in possession of knowledge upon which they are willing to report proposed legislation.

Mr. FITZGERALD. Do you have in view the condition to which the mayor of the city called the attention of the Attorney-General, that there was an imposition practiced on these persons by outsiders who charged fees in order to reach the clerk, because of the congested conditions, and unless they pay fees they can never reach the clerk?

Mr. GOLDFOGLE. I was about to refer to that when I was interrupted.

Mr. FITZGERALD. And the committee has had its attention called to this extraordinary condition, and something ought to be done to prevent it.

Mr. COX of Indiana. How long has that been going on?

Mr. BENNET of New York. What the mayor of the city called the attention of the United States district attorney to was this condition, that men went early and got in line.

Mr. STAFFORD. Mr. Speaker, we want to hear what is going on.

Mr. DAWSON. We would like to hear the conversation that is going on there.

Mr. FITZGERALD. If gentlemen would not make so much noise perhaps they would hear.

The SPEAKER. The gentleman from Wisconsin insists upon knowing what the gentlemen from New York are saying.

Mr. BENNET of New York. What my colleague, I believe, has in mind is the message which Mayor Gaynor sent to District Attorney Wise with reference to men obtaining places at the head of the line in the Federal Building, and were obtaining from applicants who came there, and would not otherwise have been able to get into the building, $15 or $20 to get into the line.

Mr. GOLDFOGLE. That is unfortunately the situation.

Mr. COX of Indiana. How long are the courts open during the day?

Mr. BENNET. From 10 o'clock until 4.

Mr. COX of Indiana. That makes the reason of it absolutely plain. In my country they meet at 8 o'clock in the morning and sit until 6 o'clock in the evening.

Mr. FOSTER of Illinois. I yield five minutes to the gentleman from Arkansas [Mr. MACON].

Mr. MACON. Mr. Speaker, the gentleman from New York [Mr. GOLDFOGLE] and the gentlemen from New York on the other side of the House all agree that an evil exists in the matter of the naturalization of aliens in the city of New York. They express themselves in a manner that indicates to me that they know something about it themselves; hence I am inclined to believe that it would be absolutely unnecessary to appoint a committee of three, five, or any other number to visit the city of New York and find out if those conditions do exist there. If these gentlemen are already informed about them, I do not believe it is right to run your hand into the coffers of the Treasury of the people and take from it money to pay the expenses of a commission or a committee to go to New York or elsewhere to investigate evils that gentlemen who reside in the city or in the community where the evil exists are so well informed about. [Applause.]

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. MACON. Not now. I am advised there are sixteen able-bodied Congressmen from the city of Greater New York, and if they were to become a little industrious during the vacation, between the adjournment of this session and the convening of the next, they could find out more about the evils complained of than any committee we could send there to discover them; and I believe, sir, that the burden ought to be placed upon them to ferret out the evils as they exist and report to the Committee on Immigration the honest truth about them. [Applause.] Sirs, I do not believe that the members of the Committee on Immigration are so profoundly blessed with ability that they can investigate these matters in a superior manner to that that could be employed by the Members of the House who reside in the city of New York. I think the intelligence of those Members of the city of New York is on a par with the intelligence of the members of the Committee on Immigration, and I am advised that one of the Immigration Committee himself resides in the city of New York, and he ought to be able to find out these evils just as well off of a committee as he could on a committee. Sirs, let us keep this $2,500 in the Treasury and allow the Congressmen who reside there to make an investigation and report the evils they discover during vacation to the Committee on Immigration next winter, and let that committee

prepare a bill and present it to this House to cure them. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker and gentlemen, if only one-half be true of what has been stated about the conditions prevailing in the city of New York, I say that we should vote for this resolution to investigate those conditions. If one-half be true, as I have stated, those conditions should be immediately investigated. Whether the gentlemen who represent the great city of New York are capable of investigating the conditions or not I do not know, but I do know this, that for the last year and a half a great many complaints have come to our committee and to members of the committee individually that frauds are being perpetrated by the clerks and people that are attached to the courts of the city of New York, to the extent that people desirous and anxious to become citizens have been obliged to pay from $25 to $50 to be able to obtain naturalization papers. This is cheap and dirty graft, and we ought not permit the conditions which make this possible, and it is our duty to investigate those conditions to ascertain whether there is any truth in these reports or not. For that reason, Mr. Speaker, I am in favor of this resolution, and I believe that the conditions should be thoroughly investigated and the abuses of the naturalization laws be forever stopped, and everyone who has been guilty of any frauds in these cases should be prosecuted without delay to the full extent of the law. [Applause.] [Cries of "Vote!"]

Mr. GOLDFOGLE. I want to say to the gentleman from Indiana that is just one of the things that our committee wants to find out.

Mr. COX of Indiana. If it turns on that, the next proposition will be to increase the number of courts.

Mr. GOLDFOGLE. No; the gentleman is mistaken.

Mr. COX of Indiana. Or at least the number of clerks.

Mr. GOLDFOGLE. The gentleman is mistaken.

Mr. COX of Indiana. I think if we get these courts to employ themselves a little longer hours——

Mr. GOLDFOGLE. The people are loudly complaining of the congested conditions. The only practical thing we can do at the present time is to pass this resolution. I wish we could secure definite legislation, but as that is not possible now, let us do the next best thing, which I trust will lead to definite results.

Mr. COX of Indiana. Does the gentleman think the Committee on Immigration can get a move on these courts there?

Mr. GOLDFOGLE. We hope to be able to find the proper remedy.

Mr. COX of Indiana. The gentleman thinks he can make a report to this House that will cause these courts to become more active?

Mr. GOLDFOGLE. I think we can get such action by Congress as will correct the evil.

Mr. COX of Indiana. By getting them to work more hours?

Mr. GOLDFOGLE. It is not the nicest thing in the world to find it charged, at is is now charged in the press and in letters by citizens, that the lines of people waiting are so long and so much time is lost that men are selling their places in the lines and other species of graft is resorted to by irresponsible persons.

Mr. COX of Indiana. I quite agree with the gentleman that it is absolutely wrong, and that it ought to be remedied; but my idea of remedying it would be to see that these federal courts put in a day's work, and not simply sit there from 10 o'clock to 4 o'clock, perchance with two hours for lunch. That is wrong.

Mr. GOLDFOGLE. Give us a chance to get the facts developed through means of a properly conducted inquiry.

Mr. CULLOP. Do you not think if you were to call the attention of the district attorney to the condition that exists there, as reported by the mayor, and detailed here on the floor, that the matter could be remedied very easily?

Mr. GOLDFOGLE. No; it could not.

Mr. CULLOP. Then you ought to have a change of public officers up there.

Mr. GOLDFOGLE. I yield to my colleague from New York [Mr. BENNET] five minutes.

Mr. BENNET of New York. I will not need five minutes. All I want to say is that this is a unanimous report from the Committee on Immigration and Naturalization; that we all agree that we ought to have knowledge of the conditions, and that there is great congestion in the naturalization courts. We want legislation, and I will submit to the gentleman from Indiana [Mr. CULLOP] that no committee has the right to come before this House and ask for legislation unless it can point to some absolute knowledge on which to base a bill for that legislation.

Mr. COX of Indiana. The gentleman, I take it, certainly has some idea now in his own mind as to what ought to be done in order to relieve this condition.

Mr. BENNET of New York. I have a personal idea, and I have introduced a bill that I think will remedy it.

Mr. COX of Indiana. Has the gentleman ever brought that idea to his committee?

Mr. BENNET of New York. Yes.

Mr. COX of Indiana. Has the bill ever been reported?

Mr. BENNET of New York. The bill has not been reported, because the committee has not agreed on it.

Mr. COX of Indiana. Has not agreed on the details?

Mr. BENNET of New York. No.

Mr. GOLDFOGLE. I happen to differ with my colleague as to the advisability of that particular bill. Do not you see that there is a difference of opinion?

Mr. MANN. The gentleman from New York [Mr. BENNET] is on a commission now that is about to expire. Is this commission or committee authorized to go abroad, or anything of that kind?

Mr. BENNET of New York. No.

Mr. MANN. Undoubtedly the gentleman will be on this committee. I understand the gentleman wants to make an investigation as to whether there are sufficient courts in New York and Brooklyn to carry on the work of naturalization. Is the gentleman willing to wait until that report comes in before we provide a new district judge in Brooklyn, to see whether we need one or not?

Mr. BENNET of New York. My colleagues in Brooklyn would not be willing.

Mr. MANN. I did not ask the gentleman whether his colleagues were willing or not.

Mr. BENNET of New York. I will answer the gentleman fairly and squarely. I think we have enough judges, and I will say very frankly if we could get our judges to work more hours in the month on this question, I think we could naturalize the applicants.

Mr. MANN. Does the gentleman think it is the duty of the General Government to provide sufficient federal judges and federal courts to naturalize the people who desire naturalization in New York City?

Mr. BENNET of New York. I will answer the gentleman in two ways. In the first place this is limited to the southern district of New York, and has nothing to do with the eastern, and in the second place what I think is that we ought to get more work out of our state courts, and if we agitate a little bit we will get into the Federal Treasury a good many times this $25,000.

Mr. MANN. I do not see what good it is to relieve the federal judges in these cases. In every other case questions of naturalization are attended to in the state courts, and it ought to be done in New York City. But New York is so stingy; it pays exorbitant salaries to a few judges and leaves the general cases for naturalization to be attended to by the Federal Government.

Mr. BENNET of New York. The gentleman is usually well informed, but in this instance he is either joking or else he is not informed. We have over 30 supreme judges to whom we pay $7,500 each. It may startle the gentleman to know that there are not enough judges to attend to the naturalization. The 30 supreme judges only devoted seven hours in that whole month to naturalization. They have limited naturalization to 40 people a week.

Mr. MANN. I should think it was for New York City and the New York mayor, if they want a plan, to provide that their judges shall do the work in their courts instead of bringing in a scheme to have us provide more judges and additional clerks in the federal court.

Mr. BENNET of New York. We are not asking for additional judges and additional clerks.

Mr. MANN. No; you are not now, but you will.

Mr. CALDER. I want to say that I have complained to the governor of New York about the condition in Brooklyn, and for him to call upon the judges.

Mr. FOSTER of Illinois. I want to ask the gentleman from New York if this is another scheme to organize a special court of naturalization?

Mr. BENNET of New York. No; I am not the proponent of this resolution. That ought to be addressed to my colleague.

Mr. GOLDFOGLE. I want to say that there is no such scheme; absolutely not.

Mr. FOSTER of Illinois. I now yield five minutes, Mr. Speaker, to the gentleman from New Jersey.

Mr. HUGHES of New Jersey. Mr. Speaker, if this resolution passes to-night, it ought to bring a smile to the countenances of the members of the circumlocution office. If this resolution is

passed and these issues are submitted and witnesses come in before the subcommittee and the $2,500 is expended, and the committee makes an intelligent report, then we will all know exactly what we know now, and that is that the federal judges in New York are not performing and will not perform their duty in reference to the naturalization of citizens.

Mr. MANN. And the state judges do not perform their duty.

Mr. HUGHES of New Jersey. I will amend my statement and say the New York judges. When a man gets to be a judge in New York he gets the hook worm or boll weevil or something of that sort, and he will not work; he is not supposed to work, and would not be regarded as good for much if he did work. [Laughter.]

Mr. GOLDFOGLE. Evidently the gentleman from New Jersey does not understand the New York conditions.

Mr. HUGHES of New Jersey. I know that he is an unfortunate man who undertakes to transact any legal business in the city of New York. It has become so that there is a practical denial of justice there. So far as the court conditions are concerned, there is almost a state of anarchy in New York to-day. [Laughter.]

Mr. GOLDFOGLE. Would not the gentleman want to correct that condition?

Mr. HUGHES of New Jersey. If a man gets both legs cut off there in broad daylight, he had better take any sum that is offered, because they can delay the hearing of his case until his legs grow out or he dies. [Laughter.] I do not know what the object of my friend from New York [Mr. BENNET] is in having this resolution passed, because there is not a man in this House who knows more about the conditions existing in the city of New York with reference to the failure of the judges to perform their duties in the matter of naturalization than he. It is a matter of common notoriety, and there is nothing that the subcommittee can learn that will be new to him or new to any intelligent man who reads a newspaper published in the vicinity of the city of New York.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. HUGHES of New Jersey. No; I can not. My time is very valuable. I am instructing the House, and I do not think the gentleman will, judging from what he has said. [Laughter.] I simply want to say that whether this resolution is intended to fatten the batting average of some member of the Naturalization Committee I do not know. So far as I am concerned and so far as the Members of this House are concerned, it will not add one jot or tittle to the information they now have on this subject. It will give somebody a chance to have a place for his friends, or give some stenographer a job, and enable the committee to expend, at its discretion, $2,500. That, however, is a small item in New York, but that will be the sole result of the passage of this resolution. [Loud applause.] I do not care whether it passes or not.

Mr. GOLDFOGLE. How much time have I remaining?

The SPEAKER. Five minutes.

Mr. GOLDFOGLE. I yield three minutes to the gentleman from New York.

Mr. FITZGERALD. I do not care to have unchallenged the statement of the gentleman from New Jersey in regard to the courts of New York. In a very congested space there are 4,000,000 of people, with a great mass of litigation that naturally arises because of the complex conditions, and these conditions necessarily make an amount of litigation that is absolutely inconceivable to a man that is not familiar with the situation there. The best equipped men in the State of New York have for many years been endeavoring to relieve the congestion in the legal business and the elimination of delays in litigation. In the revision of the constitution of the State of New York in 1894 very drastic reforms were incorporated in the organic law in order to avoid the congestion; and yet Members will be somewhat surprised when they learn that 17,000 or 18,000 jury cases are originated in a single year in the county of New York alone. In the first judicial district, which consists of the county of New York, there are 30 supreme court judges. When the gentleman says that they do not work, he is very much mistaken. These courts work from 10.30 in the morning until 5 and 5.30 in the afternoon. Many men are unable to understand why they do not commence their work earlier, and yet anyone who is familiar with the practice of law in the city of New York understands that, considering the transportation situation, it is practically impossible for litigants and their witnesses to get to the court rooms earlier than 10.30 in the morning. Much of this business, Mr. Speaker, is due to the proximity of the State of New York to the State of New Jersey, that permits corporations to organize in that State under easy conditions. They locate in New York and clog up the business of the courts. If that State were not so closely located it would be a great deal better thing. [Laughter and applause.]

[Here the hammer fell.]

Mr. GOLDFOGLE. I yield the remainder of my time to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I can not sit quietly by and listen——

The SPEAKER. The Chair desires to say to the House and for the information of the House that if Members will cease conversation and give attention to business that inside of fifty minutes, perhaps, the Chair will be able to recognize a bill that everyone is very much interested in. But we will make better progress if the House will keep in order.

Mr. OLCOTT. Mr. Speaker, no matter how much I love humor, no matter how attracted I am by any flashes of wit, I can not sit quietly in my chair and hear anybody speak in derogatory terms of the work that is done by the supreme court judges of the city of New York. [Loud applause.] There are a great many judges in the city and county of New York. They are paid salaries commensurate, perhaps, with one-quarter of the work they do. It would be unfortunate to allow to go unchallenged by some Member from the city of New York a statement that the supreme court of that city do not perform proper and faithful work.

The New York judges are as conscientious, as faithful, and as hard worked as any members of the judiciary in the country. Sometimes there are delays in the courts in the city and county of New York. But it is because there are so many people in New York. There are so few judges compared with the vast population that it is impossible, no matter how hard they work, for them to keep up with their business. I do not like to hear, even in a spirit of persiflage, any such statement as that made by the gentleman from New Jersey in regard to the judiciary that sit in the county of New York, whether in federal or state courts.

The SPEAKER. In the opinion of the Chair, two-thirds have voted in favor of the bill.

Mr. FOSTER of Illinois. Division!

The House divided; and there were—ayes 140, noes 50.

Mr. FOSTER of Illinois and Mr. MACON demanded tellers.

Tellers were refused, 32 Members, not a sufficient number, rising in support of the demand.

Accordingly, two-thirds voting in the affirmative, the rules were suspended and the resolution was agreed to.

ADDITIONAL JUDGE, EASTERN DISTRICT OF NEW YORK.

Mr. PARKER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20148) to provide for an additional judge of the district court for the eastern district of New York.

The Clerk began the reading of the bill.

The SPEAKER. This bill was read to-day. Is a second demanded?

Mr. FOSTER of Illinois. I demand a second.

The SPEAKER. If there be no objection, a second will be considered as ordered. The gentleman from New Jersey [Mr. PARKER] is entitled to twenty minutes and the gentleman from Illinois [Mr. FOSTER] is entitled to twenty minutes.

Mr. PARKER. Mr. Speaker, I will simply say that I am astonished that a second is demanded on this bill. The courts of the eastern district of New York, comprising Brooklyn and the whole of Long Island, are absolutely overwhelmed with business. This is reported to us not only by the Attorney-General of the United States, but by the district attorney of New York, and by everyone who has anything to do with the courts. This extra judge is needed beyond all question, and will be still more needed with the growth of this district in the future. I do not want to take the time of the House, and will reserve the balance of my time.

Mr. LENROOT. Can the gentleman state the number of cases pending in this district at the present time?

Mr. PARKER. I think the report states that.

Mr. CALDER. Mr. Speaker, if the gentleman will yield, I will answer the question of the gentleman from Wisconsin.

Mr. PARKER. I yield to the gentleman.

Mr. CALDER. On July 1, 1909, there were pending in the courts 1,716 admiralty cases; all other cases except bankruptcy, 1,533; and 792 cases in bankruptcy. This district has a population of over 2,200,000 people. It contains all of Long Island and Staten Island, has a water front of over 400 miles, and has but one district judge. This bill is not only recommended by the Attorney-General, but by the bar association of the district, and by all of the judges in both the eastern and southern districts, and by the district attorney in both the eastern and southern districts. It has a unanimous report of the Committee on the Judiciary. [Cries of "Vote!" "Vote!"]

Mr. MANN. Will the gentleman yield for a question? The gentleman stated that he was surprised that anyone would ask for a second on this bill. I want to ask the gentleman if the merits of the bill were so plain, how does it happen that the distinguished committee which the gentleman presides over did not discover it until the 7th of June of this year, and then supposes that everybody else has absorbed the information which we have not yet received from the gentleman?

Mr. PARKER. Is the gentleman's question intended in earnest?

Mr. MANN. I suppose any question that a man intends in earnest, if asked of the gentleman from New Jersey, is a mistake.

Mr. PARKER. If I should ask the gentleman why the Committee on Interstate and Foreign Commerce did not report certain bills until a certain date, he would answer that that committee was too much engaged perhaps in some other matters to take up that particular one.

Mr. MANN. If somebody had demanded a second, I would not have replied that it was so plain that I would give no information to the House.

Mr. PARKER. The gentleman from New Jersey made no such reply. The gentleman from Illinois has made more replies of that sort perhaps than any other man in the House. I am not used to being called down in that way, and will not be. The gentleman pretends to inspect reports of committees. If he had looked at this report he would have found that there are letters quoted in that report dated as late as the 2d of June, or at least one such letter from the Attorney-General.

Mr. MANN. Yet the gentleman is surprised that anyone wants information, and it is a matter of surprise perhaps that anyone should want information from the gentleman from New Jersey.

Mr. FOSTER of Illinois. I call the gentleman's attention to the fact that this bill seems to have been introduced on February 7 of this year, and nearly four months elapsed in which to ascertain the fact that they needed this additional judge in New York. Now in the very closing hours of Congress he brings this bill in and is surprised that any man should demand a second. Why, Mr. Speaker, the Members of this House have a right to inquire of the necessity of appointing a new federal judge in any district of this Union, creating a new office to eat up the surplus that now exists in the Treasury. [Laughter.] Why, Mr. Speaker, I suppose that this bill, following the one just passed to create an order for the Committee on Immigration and Naturalization to investigate the conditions of naturalization in New York City, that the committee may come back and say that in view of the fact that we have the right to appoint another federal judge that that congested condition of the court is relieved. If the gentleman from New Jersey had brought this bill up before the other one was considered, probably it would not have been necessary to have spent the $2,500 for a committee to investigate the conditions over there in New York.

Mr. PARKER. I have nothing to do with that other bill.

Mr. FOSTER of Illinois. I am not saying that it is not necessary to have an additional judge in New York; but I do claim that as a Member of this House I have a right to ask why these things shall be done.

Mr. CALDER. I want to say that the investigation by the Immigration Committee affects only the county of New York and not this district. We are not a party to the resolution that passed a little while ago.

Mr. FOSTER of Illinois. I am well aware of that fact.

Mr. PARKER. I have nothing to do with the Immigration Committee in these cases.

Mr. FOSTER of Illinois. I know that; I am aware of that as well as the gentleman from New Jersey, and I am aware of the fact that the gentleman is reporting this bill.

Mr. PARKER. I am reporting the bill which is supported by letters from Judge Lacone and Judge Chatfield and the secretary of the Brooklyn Bar Association, and then there are other letters and other communications here which show beyond doubt a most complete investigation, and if the gentleman reads the report he will see that there can be no objection to these 2,000,000 people who absolutely require another judge having that judge. I now yield to the gentleman from Texas [Mr. HENRY].

Mr. FOSTER of Illinois. That may be all right, but I do not know whether it is correct or not.

Mr. HENRY of Texas. Mr. Speaker, I did not think it necessary to say anything in regard to this bill, but I will say that it is the unanimous report of the Committee on the Judiciary, and the reason that it was not reported sooner is not the fault of the gentlemen who represent the State of New York in Congress, but because the Committee on the Judiciary has been so overwhelmed with work that they have not been able to get to this measure sooner.

I desire to say to gentlemen on this side of the House and to gentlemen on that side of the House that during my eight years of service on the Judiciary Committee I have never seen a more meritorious case for the appointment of an additional federal judge in any State in this Union. [Applause.]

Now, this is a matter that should be seriously dealt with. If the gentleman desires the information, he will find it in the report.

Mr. FOSTER of Illinois. I will say to the gentleman from Texas that I think I am dealing with it seriously, and in order to do that I demanded a second.

Mr. HENRY of Texas. I wish to say nothing further than to add that the committee has deliberately considered this bill, and I hope that both sides will do justice to that district in the State of New York and give them this federal judge.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MARSHALS AND DISTRICT ATTORNEYS IN TEXAS.

Mr. PARKER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12434) to make uniform the salaries of United States district attorneys and marshals in Texas, with a committee amendment.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That from and after July 1, 1910, each United States district attorney and marshal of any Texas district shall receive as salary the sum of $4,000 per annum.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second is ordered. [After a pause.] The Chair hears none. The gentleman from New Jersey [Mr. PARKER] is recognized for twenty minutes and the gentleman from Illinois [Mr. MANN] is recognized for twenty minutes.

Mr. PARKER. Mr. Speaker, this is an amended bill. It was originally at $4,500 apiece. At present the salaries of the United States district attorneys and marshals in Texas are fixed and ranged as follows: In the eastern district, $5,000 per annum for each official; in the southern district, $3,500 each per annum; in the western district, $4,000; in the northern district, $3,500 for the district attorney and $3,000 for the marshal. These salaries were fixed when there was a disparity in official business and work, but they are now becoming practically the same as to the amount of business and duties of the marshals and district attorneys, and it was thought right that they should be equalized. The amount of change, I believe, is only a very few hundred dollars a year in the total of all the salaries, because the reductions are as much as the raises. I will yield to the gentleman from Texas [Mr. HENRY], if he desires to say anything more.

Mr. HENRY of Texas. Mr. Speaker, I do not care to occupy any time. I am ready to vote on this question. [Applause.]

Mr. MANN. Mr. Speaker, this is one of the most remarkable bills that ever came before the House. [Applause.] It proposes to reduce somebody's salary.

Mr. YOUNG of Michigan. The rules do not admit of it.

Mr. MANN. The gentleman from Michigan well says it is contrary to the rules of the House.

Mr. HUGHES of New Jersey. Contrary to the practice.

Mr. MANN. For the first time, I think, in the history of my life in this Congress a committee seriously has proposed to reduce the salary of somebody to the extent of $1,000.

Mr. FITZGERALD. The Republicans see the handwriting on the wall.

Mr. MANN. Of course it is not intended to save any money by it; that would be absolutely contrary to the rule. It is proposed to take the money saved by reducing one man's salary and adding it to somebody's else salary. But even then I congratulate the Committee on the Judiciary that in the fullness of time it has produced one bill in this House to reduce a salary, and it is to that extent a good bill. [Applause.]

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CIRCUIT AND DISTRICT COURTS AT THE CITY OF PORTSMOUTH, OHIO.

Mr. GOEBEL. Mr. Speaker, I move that the rules be suspended and the following bill (H. R. 17164) be passed with committee amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 17164) to provide for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Portsmouth, in said district.

Be it enacted, etc., That from and after the second Tuesday of March, 1911, there shall be held at the city of Portsmouth, in the southern district of Ohio, a term of both the circuit and district courts of said district on the second Tuesday of March and the second Tuesday of September of each year: *Provided*, That suitable rooms and accommodations for the holding of said courts shall be furnished without cost or expense to the Government of the United States.

SEC. 2. That grand and petit jurors summonded for service at such terms of either of the courts aforesaid may be residents of any part of the said southern district of Ohio.

SEC. 3. That prosecutions for crimes or offenses hereafter committed in any part of said district shall be cognizable at the terms aforesaid of either of the said courts having jurisdiction thereof.

SEC. 4. That all suits or actions which under the law may be brought within the said southern district of Ohio, or any division thereof, may be instituted, prosecuted, heard, tried, determined, and disposed of at the said terms of court so to be held in the said city of Portsmouth.

SEC. 5. That any judge of the United States courts holding court in the southern district of Ohio, in pursuance of law, may transfer any suit or action or proceeding of any kind now pending in the court wherein he shall be so, as aforesaid, sitting to the next term of the circuit or district court, as the case may be, whichever shall have jurisdiction of the same, next to be holden at the said city of Portsmouth in accordance with the terms of this act, and all suits, actions, or proceedings so transferred shall be disposed of the same as though originally filed in such court at Portsmouth.

SEC. 6. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency, but not otherwise.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second is ordered. The gentleman from Ohio [Mr. GOEBEL] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. GOEBEL. Mr. Speaker, this bill provides for two short terms of court in the city of Portsmouth, Ohio. We have two district judges, and there is no reason why that court should not hold two terms in that city. There is no expense attached, so far as the Government is concerned.

Mr. TAWNEY. Will the gentleman permit?

Mr. GOEBEL. Certainly.

Mr. TAWNEY. What does the gentleman mean by "short terms" of court?

Mr. GOEBEL. It means terms between the regular terms that are less in duration than those held in other parts of the district.

Mr. TAWNEY. I suppose the term of the court was dependent largely upon the amount of business the court had to transact.

Mr. GOEBEL. That is true to some extent, but this does not interfere with the other terms held in the district.

Mr. BUTLER. Is there any place where the court can be held?

Mr. GOEBEL. Oh, yes. It is a building furnished by the city of Portsmouth.

Mr. BUTLER. And there is no charge whatever?

Mr. GOEBEL. None whatever. The bill expressly provides that there shall be no expense to the Government.

Mr. MANN. Mr. Speaker, my understanding was that this bill was not reported on favorably by the Department of Justice. Can the gentleman state how that was?

Mr. GOEBEL. I am not aware that the department made any adverse report.

Mr. MANN. I have a letter that I have received from a gentleman of high standing in that district concerning this bill, in which he says:

This is one of the most absurd measures I ever heard of, and the proposition is simply ridiculous. If you will send to the Department of Justice you will find that that department reported adversely on this bill, and if you will get the information on which they base their report you will find that Judge Sater is opposed to it. So is everybody else who knows anything about the conditions.

I take it that the latter statement is at least slightly exaggerated. I think the genleman does not know about the conditions. But I would like to know what the Department of Justice and the judge had to say, if that can be obtained.

Mr. STERLING. Will the gentleman from Ohio yield for a question?

Mr. GOEBEL. Certainly.

Mr. STERLING. I would like to ask the gentleman if it is not his experience on the Judiciary Committee that it is almost the invariable rule that where the judge of the district is consulted about holding the court at some other place, they always protest against it?

Mr. GOEBEL. Invariably.

Mr. STERLING. And, for one member of the Committee on the Judiciary, I am opposed to following the suggestion of the federal judges as to where we shall hold the courts. [Loud applause.]

Mr. GOEBEL. I now yield to the gentleman from Ohio [Mr. JOHNSON].

Mr. JOHNSON of Ohio. Mr. Speaker, Portsmouth is 100 miles from Columbus and 110——

Mr. MANN. In whose time is the gentleman speaking? I had the floor, but I am perfectly willing to yield to the gentleman.

Mr. JOHNSON of Ohio. I thought the gentleman wanted some information.

Mr. MANN. I just wanted that understood. I am perfectly willing to yield to the gentleman.

Mr. JOHNSON of Ohio. I do not know who was the informant of the gentleman from Illinois, but I am acquainted with the facts. I would like to state them. Portsmouth is 100 miles from Columbus, 110 miles from Cincinnati, and 125 miles from Dayton. These are the only places in which terms of the United States circuit and district court are held in southern Ohio. There are 16 counties in southern Ohio that would be benefited, and in some of them the clients and witnesses have to travel 170 miles to the United States court, and the following table shows the distances between the county seats of the various counties named and the nearest point where terms are at present held, together with distances between the county seats and Portsmouth, Ohio:

County.	Present distance.	Distance to Portsmouth.
	Miles.	*Miles.*
Lawrence	141	28
Scioto	113	
Adams	85	30
Brown	60	40
Highland	70	50
Ross	50	50
Pike	80	25
Jackson	100	40
Vinton	85	55
Athens	75	65
Gallia	120	60
Meigs	135	75

Besides, Washington and Hocking counties are just as near to Portsmouth as to Columbus, and much nearer to Portsmouth than to Cincinnati. Twelve counties are thus given greater convenience by establishing terms at Portsmouth.

From Cincinnati to the Pennsylvania line is 400 miles. Ohio has not a single place of holding federal court on the Ohio River above Cincinnati. Immediately opposite, in Kentucky and West Virginia, there are five places for holding United States court, right along the river. As to manufacturing towns and business centers, as to railroads, as to the matter of litigation, they are practically all on the Ohio side. This would be a great convenience to the litigants. There is a population of 2,500,000 in the southern district of Ohio. The bill is so drawn that any case can be removed from Columbus, Cincinnati, or Dayton by being certified to Portsmouth. It is so drawn that litigants can have their actions certified from Portsmouth to any of these places. It is so drawn that the United States judge holds court at Portsmouth in September of each year, which gives us just thirty days more court than we have ever had heretofore, as the term of court commences in October at Cincinnati. September and March do not in anywise interfere with the present terms of court. The litigation in that neighborhood is heavy. There is really a great demand for this court to be held at Portsmouth. We have two good, active United States judges in the southern Ohio district. They have only three places to hold court. This will make four. In other words, one judge to two places. Taking the average over the United States, there is no State in the Union but what has about three places of holding United States court for each United States judge.

I have made a table showing population of several States, number of places where terms of United States court are held, number of judges, average number of places per judge, number of places smaller than Portsmouth, Ohio, number of places larger than Portsmouth, Ohio.

[Data taken from census, 1900, report of Attorney-General, 1909, and Register, Department of Justice, 1909.]

State.	Population.	Number places where terms of court are held.	Number of judges.	Average number places per each judge.	Number places smaller than Portsmouth, Ohio.	Number places larger than Portsmouth, Ohio.
Alabama	1,828,697	9	4	2¼	6	3
Arkansas	1,311,564	6	2	3	5	1
Colorado	538,700	3	1	3	1	2
Connecticut	908,420	2	1	2	----------	2
Florida	528,542	9	2	4½	8	1
Georgia	2,216,331	9	2	4½	6	3
Idaho	161,772	3	1	3	3	----------
Illinois	4,821,550	8	3	2⅔	3	5
Indiana	2,516,462	5	1	5	1	4
Iowa	2,231,853	10	2	5	5	5
Kansas	1,470,495	6	1	6	2	4
Kentucky	2,147,174	10	2	5	8	2
Louisiana	1,381,625	7	2	3½	6	1
Maine	694,466	3	1	3	1	2
Maryland	1,188,044	2	1	2	1	1
Massachusetts	2,805,346	2	1	2	----------	2
Michigan	2,420,082	5	2	2½	1	4
Minnesota	1,751,394	6	2	3	2	4
Mississippi	1,551,270	6	2	3	6	----------
Missouri	3,106,665	8	2	4	5	3
Montana	243,329	3	1	3	2	1
Nebraska	1,066,300	8	2	4	6	2
New Hampshire	411,588	3	1	3	2	1
New York	7,268,894	10	7	1⅜	1	9
North Carolina	1,893,810	11	2	5½	9	2
North Dakota	319,146	10	2	5	10	----------
Ohio	4,157,545	6	4	1½	----------	6
Southern Ohio	2,500,000	3	2	1½	----------	3
Oklahoma	398,331	10	2	5	10	----------
Oregon	413,536	3	2	1½	2	1
Pennsylvania	6,302,115	6	3	2	----------	6
Rhode Island	428,556	2	1	2	----------	2
South Carolina	1,340,316	4	1	4	2	2
South Dakota	401,574	4	1	4	4	----------
Tennessee	2,020,616	7	2	3½	3	4
Texas	3,048,716	21	4	5¼	14	7
Utah	276,749	2	1	2	1	1
Vermont	343,641	4	1	4	3	1
Virginia	1,854,184	10	2	5	6	4
Washington	518,103	6	3	2	3	3
West Virginia	958,800	9	2	4½	8	1
Wisconsin	2,069,042	8	2	4	2	5
Wyoming	92,531	4	1	4	4	----------

The bill is entirely meritorious, and I hope it will pass. [Applause.]

Mr. MANN. I am told that in some of these counties, or all of the counties, perhaps, there is very little litigation.

Mr. JOHNSON of Ohio. Will you let me answer that? That is entirely a mistake. In our own county we have five railroads passing through, each a nonresident corporation.

We have two street railways, both corporations nonresident of Ohio, and we have manufacturing industries that are nonresident there, so that there is a great deal of litigation that is removed to or commenced in the United States court. I see the gentleman from Illinois has a letter in his hand. If I am not mistaken, the man who wrote that letter represents one of the railroads there, and the removal of its litigation to the United States court at this time does great injustice to the laborers and employees who are hurt on that railroad.

Mr. MANN. The gentleman is mistaken about who wrote the letter.

Mr. JOHNSON of Ohio. I will not ask the gentleman to give the name of the writer of the letter. [Cries of "Vote!" "Vote!"]

Mr. MANN. I should like to ask one more question.

Mr. JOHNSON of Ohio. I shall be glad to answer the gentleman.

Mr. MANN. My question is whether, if this court is located at Portsmouth, it will require a remodeling of the federal building there.

Mr. JOHNSON of Ohio. It will not. The bill itself provides that the county is to furnish all court facilities.

Mr. MANN. I do not mean this year, but I mean next term.

Mr. JOHNSON of Ohio. The building of itself will have ample room on the second floor for a court room and offices.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question being taken, and two-thirds voting in the affirmative, the rules were suspended and the bill was passed.

INSTRUCTORS AT THE NAVAL ACADEMY.

Mr. OLCOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 2197) to provide for the appointment and compensation of professors and instructors at the Naval Academy.

The Clerk read the bill, as follows:

Be it enacted, etc., That civilian professors at the Naval Academy shall receive annually during the first five years of service $2,200, during the second five years of service $2,500, during the third five years of service $2,800, and after fifteen years' service $3,000 annually.

SEC. 2. That civilian professors not occupying public quarters shall be entitled to commutation for three rooms, with heat and light allowances as provided for the navy, with the additional allowance of one room, heated and lighted, after ten years' service.

SEC. 3. That civilian instructors and the assistant librarian at the Naval Academy shall receive annually during the first three years of service $1,500, during the second three years of service $1,750, and thereafter during their employment $2,000.

SEC. 4. That civilian instructors and the assistant librarian, when not occupying public quarters, shall receive commutation for two rooms, with heat and light allowances as provided for the navy.

SEC. 5. That as vacancies occur civilian professors for service at the Naval Academy may be appointed by the Secretary of the Navy. Civilian instructors shall be appointed annually by the Secretary of the Navy.

SEC. 6. That the civilian professors and instructors now at the Naval Academy shall receive, according to length of service, the rates of pay and allowances herein provided in the same manner as they would had their original appointments been made under the provisions of this act, but nothing in this act shall be so construed as to reduce the pay now received by any professor or instructor or to give any claim for back pay.

SEC. 7. That section 1528 of the Revised Statutes is hereby repealed, and that a corps of professors in the United States Navy is hereby established for duty at the Naval Academy only. Professors in the navy shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate, and shall have the rank, pay, and allowances of lieutenant-commanders in the navy, but shall only exercise military authority in the academic departments of the Naval Academy. The number of professors in the navy shall not exceed five and no person shall be appointed who has not served eight years as appointed professor or instructor at the Naval Academy, and all service of professors and instructors at the Naval Academy shall be reckoned as service in the navy.

SEC. 8. That professors in the navy shall be retired from active duty at the age of 68 years, or may, on their own application, retire at or after the age of 62 years under the provisions of laws governing retirement in the navy: *Provided*, That he has performed twenty years of active service at the Naval Academy.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. If there be no objection, a second will be considered as ordered. The gentleman from New York [Mr. OLCOTT] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] to twenty minutes.

Mr. OLCOTT. Mr. Speaker, I ask unanimous consent to amend the bill so as to make the compulsory age of retirement 70 years instead of 68. I move to strike out "sixty-eight," in line 14, page 3, and to insert "seventy."

The SPEAKER. The gentleman modifies his motion by striking out "sixty-eight" and making it "seventy." The Clerk will report the modification.

The Clerk read as follows:

On page 3, line 14, strike out "sixty-eight" and insert "seventy."

Mr. MADDEN. I wish to ask the gentleman from New York what duties these civilian instructors perform?

Mr. OLCOTT. The civilian professors whom this bill is particularly desired to provide for have been in the Naval Academy for a great many years; some of them as long as forty-five years. I think it would be for the benefit of the midshipmen in the Naval Academy to have some of these men retire, and I think equally it would be grossly unfair to cause these gentlemen to be retired without any provision whatever for them. This bill puts them on a pensionable status and gives them the rank of lieutenant-commander. It is merely to have them in the same position that civilian instructors have been in West Point, from time to time. They have been instructing the men who have graduated from the Naval Academy for periods ranging from twenty to forty years.

Mr. MADDEN. How many of them are there?

Mr. OLCOTT. There are five altogether who will be affected by the bill.

Mr. MADDEN. They are made officers by this bill, are they?

Mr. OLCOTT. They will be given a rank, so that there will be no question whatever about civil pensions.

Mr. MADDEN. Does this bill provide what rank they shall be given?

Mr. OLCOTT. The rank is that of lieutenant-commander. It is one rating lower than those at West Point have received.

Mr. MADDEN. Will not this be practically the establishment of a civil pension list in their cases?

Mr. OLCOTT. It will not, because they will be given a rank. The bill is especially framed so as to avoid the possibility of a civil list.

Mr. MADDEN. What is the pay of a lieutenant-commander?

Mr. OLCOTT. The pay of a lieutenant-commander is, practically, $3,600, I think. They will be retired on three-quarters pay.

Mr. MADDEN. They will be retired at three-quarters of $3,600?
Mr. OLCOTT. Yes.
Mr. MADDEN. What pay do they now receive?
Mr. OLCOTT. They receive different rates of pay.
Mr. MADDEN. Are any of them receiving pay equal to that of a lieutenant-commander now?
Mr. OLCOTT. They are.
Mr. MADDEN. Does the gentleman know exactly what they do get?
Mr. OLCOTT. I can not tell the gentleman exactly in dollars and cents, but I am perfectly certain that this will not in any way increase the pay that they are now receiving.
Mr. MADDEN. Are they to be retired at a higher rank than what they now enjoy?
Mr. OLCOTT. They have no rank whatever now.
Mr. MADDEN. Higher rank according to pay?
Mr. OLCOTT. No.
Mr. SLAYDEN. Do not the professors at the Naval Academy have rank?
Mr. OLCOTT. They do not.
Mr. HULL of Iowa. Those detailed from the navy have a rank.
Mr. OLCOTT. Of course they have their official rank in the navy. These professorships are created by the statute without concurrent rank.
Mr. SLAYDEN. How much does this propose to increase their pay?
Mr. OLCOTT. It does not increase their pay at all.
Mr. SLAYDEN. It gives them a pensionable status.
Mr. OLCOTT. It entitles them to retire at three-quarters pay in this rank.
Mr. SLAYDEN. But does not give them a higher rank with increased pay at the time of retirement.
Mr. OLCOTT. It will not increase the pay.
Mr. SLAYDEN. The rank is exactly the same.
Mr. OLCOTT. I am sure it is no more.
Mr. SULZER. Can the gentleman tell us how long they are to be in the service before retirement?
Mr. OLCOTT. Compulsory retirement is at the age of 70 under the amendment, and they may, on their own application, be retired at the age of 62, provided they have performed twenty years' service. Nor can they be appointed until they have been instructors eight years.
Mr. SULZER. That is a good provision.
Mr. HULL of Iowa. If they are separated from the academy they can be retired at any time.
Mr. OLCOTT. The amendment, as I suggested, retires them compulsorily at 70. They can not be retired unless they reach the age of 62 and have served in the academy as professors or instructors for twenty years; nor can they be appointed as professors unless they have been instructors eight years.
Mr. SLAYDEN. Is there an age limit for appointment of instructors?
Mr. OLCOTT. I think there is under the statute.
Mr. HULL of Iowa. Are they entitled to allowance and quarters?
Mr. OLCOTT. They are.
Mr. HULL of Iowa. Then it differs from West Point.
Mr. OLCOTT. I think not; not the last time I examined the West Point law.
Mr. HULL of Iowa. They have no allowance or quarters except the salary?
Mr. OLCOTT. The West Point officers have higher pay. The professors are the only ones that can be affected by this.
Mr. HULL of Iowa. This makes them professors after they have been instructors eight years?
Mr. OLCOTT. Provided they are appointed as professors.
Mr. HULL of Iowa. The instructors at West Point get $2,000 and no quarters.
Mr. OLCOTT. When you make them professors they get more.
Mr. HULL of Iowa. We do not make them professors.
Mr. OLCOTT. You did once——
Mr. HULL of Iowa. Yes; we did once. Are these professors assigned to teach French, Spanish, and other languages, or are they regular instructors otherwise?
Mr. OLCOTT. They are regular professors appointed under the statute. I think they are appointed as professors of mathematics, but they can be assigned to other studies.
Mr. BUTLER. They are appointed as professors of mathematics, but are assigned, as the gentleman from New York says, to teach other branches.
Mr. HULL of Iowa. They are assigned as professors to teach French, Spanish, and German languages at $2,000 a year and no allowances, at West Point. Do I understand these men will be a part of the academic board? They are not at West Point.
Mr. OLCOTT. I can not answer that question.
Mr. HULL of Iowa. They are simply civilian employees. I would like to ask the gentleman a further question, if this has been recommended by the department?
Mr. OLCOTT. The general idea in regard to the retirement of these professors and giving them a pensionable status has been recommended by the department; yes.
Mr. HULL of Iowa. Making them professors?
Mr. OLCOTT. The Navy Department has not favored giving commissions to the civilian professors. This bill gives them the pay and emoluments of a lieutenant-commander. This can not establish a precedent for civil pensions. Similar provision is made for professors at West Point. I now yield five minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, this is a meritorious measure, and it should have been enacted many years since. It is meritorious fundamentally, because it is the most economical way in which the Government can secure an important and practically vital service. There are at present at the Naval Academy 57 commissioned officers. The number usually runs from about 50 to 60; and there are about 25 civilians. These civilians are high-class men, and of course the country wants the highest-class men for instructors and professors to teach the midshipmen. During the last ten or twenty years the career of the professors and instructors all over the country has progressed like the careers in other professions, and to-day the civilian professors at Annapolis receive, on an average, only about two-thirds to three-fourths of the pay that their equals receive in outside institutions where retirement is provided under the Carnegie Foundation. It has been possible to hold these men in the government service at this smaller pay and no retirement because of the prospect of such legislation as this, that would make a professorship at Annapolis a certainty and a career. It is the cheapest way possible for our Government to get that important service, and its enactment is strictly in line with the true principles of economy. Besides the question of economy, this measure involves the question of efficiency.

The professors at Annapolis exert a profound influence upon the morale and the character of the midshipmen. They must be men of the very highest type, not only of the highest professional qualifications, but the very highest character. In time of peace their influence upon the corps of midshipmen is profound, determining. I could cite the case of individual civilian professors there now who were there when I was there who have exerted a deep, molding influence upon two generations of officers under the present conditions of superior advantages outside. We can not hope to replace those men by others of equal type unless we make a career out of the professorships. I would point out that the change or the increase of cost is very small. Under this bill we would actually pay but very little more than what is paid now, almost a negligible increase, and yet by making a permanent corps we should be able to command the highest type of men, and by so doing we would profoundly advance the permanent efficiency of a plant that costs this Government every year in the neighborhood of three quarters of a million dollars, and lies at the real root of our naval efficiency and our national defense.

Mr. COX of Indiana. Will the gentleman yield?
Mr. HOBSON. I will yield to the gentleman.
Mr. COX of Indiana. I desire to ask for some information. Has the gentleman figured out how much this increased cost will be?
Mr. HOBSON. I should estimate that it would run about $5,000 or $6,000 increase. The very maximum increase could not exceed $15,000, while the minimum might produce a saving of nearly that amount. Five or six thousand dollars is a conservative estimate.
Mr. COX of Indiana. That is exclusive of commutation?
Mr. OLCOTT. Five thousand dollars.
Mr. HOBSON. The increase in cost is a negligible quantity, and yet it will advance materially the efficiency of over one-third of the force of instruction and affect the whole efficiency of the naval service. The great benefits that would be derived in the long years of peace are even outweighed by the greater benefits to be derived in time of war, as shown in our experience in the Spanish war and in the civil war. When war comes the two-thirds of the instructing force, the commissioned officers, all seek to go to sea. They ought to be allowed to go to sea, and, as a matter of fact, most of them actually do go to sea, and then we must fall back almost entirely upon the civilian professors. It may be of the greatest importance, affecting the outcome of the war itself, to be able to carry forward, under

even greater pressure and in shorter space, the training of young officers to meet the greater needs. Then we would get back a thousandfold all the slight expense and better attention given to making the professors efficient. In the interest of real economy, in the interest of highest efficiency affecting the national defense, and in simple justice to a band of noble men, devoted and faithful public servants, who, without proper recognition, have without complaint during long years given their best services to their country, this measure should be passed.

Mr. COX of Indiana. Does not the gentleman fear that this will mean a civil pension roll.

The SPEAKER. The time of the gentleman has expired.

Mr. HOBSON. The gentleman gives me an extension of two minutes to answer the question of the gentleman. I am very glad to tell the gentleman from Indiana that this legislation is to prevent the beginning of a civil pension list. It does away with and prevents any pressure being brought to produce a civil pension list. It is more analogous with what in the navy is called the corps of professors; that is not large enough. In the very beginning of the navy it was large enough when there were 75 to 150 cadets; but now there are 800 midshipmen. It is a great institution, and the corps of professors made it; but you must have this other corps to complete that great establishment. It is exactly opposed to making a civil pension list. It will avoid and escape that very thing.

Mr. HULL of Iowa. I notice that you take five professors and give them the pay of a major of the army, which will be $4,000, and then commutation of quarters, which will be $60 a month, which is the amount of allowance and pay of a major of the army. The regular corps of professors, both at Annapolis and West Point, are detailed from the respective organizations of the service. There is no controversy with them. But you are proposing to take civilian instructors and civilian professors that may be at Annapolis; and if you do it at Annapolis, it will not be long before we will have the same demand for the civilian professors at West Point. That is the very logical end to it.

Mr. HOBSON. It will have to go to West Point later. I think it we have it at Annapolis, it will go to West Point and be better for the army.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, this bill is designed to create a civil pension list for the professors at Annapolis. The gentleman from New York said there were only to be five professors. There will only be five professors at a time, but after any one of the professor's time comes he will be retired; and the bill proposes to create a new office, practically, a civilian inspector, and then provides that these inspectors may be retired at the age of 62 years. Why, just as fast as they reach the age of 62 they go on the retired list, and one will have to be appointed professor; and that, of course, creates another civilian professor at Annapolis. It creates a civilian retired list. It creates a civil pension list. If this House wants to enter upon a policy of creating a civil pension list, this bill ought to pass; if the House does not want to enter upon a policy of creating a civil pension list, there is no merit in this bill, or in that part of it.

I do not know what the practice may be at West Point or elsewhere. There are thousands of employees of the Government who would like to be retired, not on $2,000 or $3,000 a year, but on $500 or $1,000 a year. Yet this proposition is to retire these men on a civil pension of two or three thousand or more dollars a year. It ought not to have received the support of the Committee on Naval Affairs, and ought not to receive any countenance from this House. [Loud applause.]

Mr. HOBSON. Will the gentlema yield for a question?

Mr. MANN. Certainly; I yield.

Mr. HOBSON. I wish to ask the gentleman if he regards the retired list of the Corps of Civil Engineers of the Army as a civil pension list?

Mr. MANN. Well, that is not a pertinent question. If the gentleman will ask me a pertinent question——

Mr. HOBSON. They are retired as officers.

Mr. MANN. If the gentleman will ask me a pertinent question, I will be very glad to answer it.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. The gentleman knows that today the House voted to retire Justice Moody of the United States Supreme Court on full pay, I think?

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. What was that?

Mr. MANN. That was a case where we wished to have a man appointed in his place, and there was no other way of doing it. It is the only way.

Mr. HOBSON. When one of these professors reach the age of 62 years——

Mr. MANN. Is the gentleman asking a question, or making a speech? I did not hear what he said.

Mr. HOBSON. If the gentleman will yield to me, I will ask him if one of these professors reaches the age of 62, whether he would wish a younger and more efficient man to be appointed in his place.

Mr. MANN. I do not wish the House to engage upon the policy of creating a civil pension list without knowing it. [Loud applause.] If the House wants to undertake to create a civil pension list, then it is for the House to determine.

Mr. COOPER of Wisconsin. Is it not true that all the federal judges retire at the age of 70 years, after ten years of service?

Mr. MANN. It is true that the judges of the federal courts, under the Constitution, are appointed during good behavior, and Congress can not dispense with their services when they become old, except by holding out an inducement to them to retire; but that is not this case. [Loud applause.]

Mr. OLCOTT. Is it not true that the Revenue-Cutter Service officers are retired, and did not the gentleman himself have something to do with the passage of that bill?

Mr. MANN. I had this much to do with the passage of the bill, that I opposed it on the floor of this House, and when it passed I said that although it was in a way a military branch of the Government, the creation of a retired list for the Revenue-Cutter Service would cause you gentlemen and other gentlemen to come before the House later and want to create a civil pension list.

Mr. OLCOTT. Then, may I ask the gentleman another question? Has the gentleman read that part of the bill which provides that the President must commission them, and that they shall have the pay and emoluments of a lieutenant-commander?

Mr. MANN. I have read the entire bill. I can not see what difference it makes when you propose to make a civil pension list for civilian professors whether at that time you call them lieutenant-commanders or something else. Perhaps the gentleman would be in favor of retiring the clerks in the Navy Department by calling them captains.

Mr. OLCOTT. No; I would not.

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

Mr. OLCOTT. Yes.

Mr. HARDY. Does it not seem strange that at this late hour of the night you attempt to bring up a civil pension bill and undertake to pass it in this confusion?

Mr. MANN. The House is well informed on the subject, and there is no confusion just now, and all you have to do is to vote against it and end it. [Applause.]

Mr. OLCOTT. How much time have I remaining?

The SPEAKER. Three minutes.

Mr. OLCOTT. I yield the balance of my time to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, in this confusion and in the three minutes allotted me I can not, of course, adequately discuss this measure. The questions asked of the gentleman from Illinois [Mr. MANN] by the gentleman from Alabama [Mr. HOBSON] were perfectly pertinent. Professors of mathematics in the navy are commissioned by the President and confirmed by the Senate. They are civilians, but they hold a commission and are placed on the retired list. Civil engineers in the navy are appointed by the President from civil life, are commissioned, and are retired. It is proposed to retire the professors' corps authorized by this bill in the same way and for the same reasons.

The beneficiaries receive annual salaries averaging about $2,600 a year. Professors in other institutions of a similar character and equal standing receive annual salaries which average more than $3,000 a year. Under the provisions of the Carnegie fund, professors in other institutions after they are retired receive a suitable pension or retired pay, but this being a government institution, it is impossible for the Naval Academy professors to obtain any benefit from that fund. There is one man on duty at the Naval Academy, Prof. W. W. Johnson, who has been a professor there nearly all the time for forty-six years, and has never received over $3,000 a year.

He is a mathematician of the highest qualifications. If he had been employed at an institution like Harvard or Yale, he would probably have received a salary of $5,000 a year for the last forty years. Another professor, N. M. Terry, who has been at the head of a department for many years—physics and chemistry—has never received over $3,000 a year, although he has occupied a position which would justly entitle him to $5,000 a year if teaching in any other institution. Now it is proposed to provide suitable salaries for these able men, and after they

have reached an age when they are not longer able to carry on their work to give them reasonable retired pay. It seems to me one of the wisest measures that has come before this House relating to such a subject, because it will apply modern methods to the old and faithful teachers at the Naval Academy and it will increase the efficiency of the institution by inducing better men to enter that service.

[Here the hammer fell.]

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; on a division (demanded by Mr. OLCOTT and Mr. HOBSON) there were—ayes 90, noes 106.

Accordingly the motion was rejected.

INSPECTION OF STEAM VESSELS.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16877) to amend section 4421 of the Revised Statutes of the United States, as amended by act of June 11, 1906.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4421 of the Revised Statutes of the United States, as amended by act of June 11, 1906, be, and it is hereby, further amended, so as to read as follows, to wit:

"SEC. 4421. When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of inspectors signing it, before the chief officer of the customs of the district or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval. Upon such inspection and approval the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 4405. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection, as required by sections 4423, 4424, and 4426, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection, as required by section 4498, and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate: *Provided, however*, That any such vessel, operated upon a regularly established line from a port of the United States to a port of a foreign country not contiguous to the United States, whose certificate of inspection expires at sea, or while said vessel is in a foreign port or a port of the Philippine Islands or Hawaii, may lawfully complete her voyage without the regular certificate of inspection or the temporary certificate required by this section, and no liability for penalties imposed by this title for want of such certificate shall be incurred until her voyage shall have been completed."

The SPEAKER. Is a second demanded?

Mr. SHERLEY. I demand a second, Mr. Speaker.

The SPEAKER. If there be no objection, a second will be considered as ordered. The gentleman from Washington [Mr. HUMPHREY] is entitled to twenty minutes and the gentleman from Kentucky [Mr. SHERLEY] is entitled to twenty minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, under the present law vessels are required to be inspected annually. It sometimes happens that on long voyages the certificate expires while the vessel is absent from the United States, and the only difference between this bill and the present law is in the proviso of this bill, that in such cases the vessel may return to the United States before being required to undergo inspection. As it is now they have to anticipate the expiration of their certificate, and it frequently occurs that they have to be inspected from sixty to seventy days before the certificate expires. They are subjected to a heavy penalty if they run overtime. It is asked for by the department because it frequently causes them trouble and delays the mails.

Mr. TAWNEY. As I understand it, all of this language is simply a recital of the existing law with the exception of the proviso.

Mr. HUMPHREY of Washington. That is all. There is nothing new except the proviso.

Mr. CLARK of Missouri. I would like to ask the gentleman from Washington what this bill does?

Mr. HUMPHREY of Washington. The proviso is all that is new, as I was just stating to the gentleman from Minnesota. I will read it. It is as follows:

Provided, however, That any such vessel, operated upon a regularly established line from a port of the United States to a port of a foreign country not contiguous to the United States, whose certificate of inspection expires at sea, or while said vessel is in a foreign port or a port of the Philippine Islands or Hawaii, may lawfully complete her voyage without the regular certificate of inspection or the temporary certificate required by this section, and no liability for penalties imposed by this title for want of such certificate shall be incurred until her voyage shall have been completed.

Mr. CLARK of Missouri. Under the old law when the license expired while he was at sea, how could they keep him from coming back with his ship?

Mr. HUMPHREY of Washington. There was a penalty if he did not get back before the certificate expired. They had to anticipate it.

Mr. COX of Indiana. What was the penalty?

Mr. HUMPHREY of Washington. I am not certain about that.

Mr. CLARK of Missouri. Why did not the gentleman bring the bill up when there was not so much of a rush?

Mr. HUMPHREY of Washington. It was brought up, I will say to the gentleman, under unanimous consent, but it was objected to by the gentleman from Pennsylvania [Mr. WILSON].

Mr. SHERLEY. Mr. Speaker, the whole purpose of the law requiring inspection is to prevent vessels going to sea in an unseaworthy condition. This bill would enable a vessel whose inspection is about due to go to sea on a foreign voyage, be gone any length of time, and come back without any penalty.

Mr. HUMPHREY of Washington. No; it says on the regular lines. Let me read what the department says:

In reply I have the honor to advise you that the proposed legislation relieves a situation with which the department has been, and may be, confronted at any time, and will have the effect of authorizing the department to meet conditions that would otherwise entail delay and inconvenience to the owners and prove annoying in many respects to the department.

The amendment will not in any way affect the safety of the vessel and will obviate unnecessary delay to ship and consequent annoyance to passengers.

I believe that it is in line with other efforts to promote the efficiency of the merchant marine.

Mr. SHERLEY. Why would it not affect the safety of vessels if the vessel goes to sea in an unworthy condition?

Mr. HUMPHREY of Washington. Vessels are inspected annually. If they are gone for five or six months the gentleman's position would be well taken. But these are passenger steamers, and they are only away for a short time.

Mr. SHERLEY. It says a vessel operating on a regularly established line; that does not indicate a short voyage.

Mr. HUMPHREY of Washington. Yes, it does. A regularly established line goes back and forth in a short time. It expressly excludes tramp vessels. It has happened on more than one occasion that a vessel reaches Hawaii and is held up there three to six days, which it takes to inspect a great vessel, and they have had to send inspectors from San Francisco. They have to do that, or else be inspected about every eight months.

Mr. SHERLEY. Why?

Mr. HUMPHREY of Washington. Why, the way in which they sail, they have to do it in order to get back before the certificate expires.

Mr. SHERLEY. They may be back in port in a period of four months.

Mr. HUMPHREY of Washington. Oh, not as long as that.

Mr. SHERLEY. The gentleman said eight months, so that they would be back in the home port in a shorter period than that before the expiration of the license.

Mr. HUMPHREY of Washington. Let me read from the report a case in point:

It frequently happens that the date on which the annual inspection of a steam vessel is had will occur while the vessel is absent from the United States. Such an occurrence must be anticipated and its consequences avoided by procuring the inspection before the vessel leaves her home port, although the existing certificate of inspection may not expire for several weeks or several months. For example: The annual inspection of the Pacific Mail steamship *China* was due on August 14, 1909. The *China* arrived at San Francisco on June 8, 1909, and was due to sail thence for Hongkong on June 17, 1909. On her return voyage she was due at Honolulu on August 17, three days after her 1908 certificate would have expired. This being the case it was necessary to have the ship inspected at San Francisco between June 8 and June 17, although her existing certificate then had two months to run.

Now, I want to say for the benefit of the gentleman that the other countries of the world have had such law, and we are the only maritime country, I believe, that does not have some such provision.

Mr. SHERLEY. Could not you accomplish the same purpose by simply not having the fine apply if they were inspected within a given time after the expiration of their annual certificate?

Mr. HUMPHREY of Washington. I think it is better to have them inspected as soon as they get back to their home port.

Mr. SHERLEY. Provided it is within a certain length of time, and then you will have a limit on their being at sea.

Mr. HUMPHREY of Washington. This follows the law of England and the other maritime nations of the world, and I think it is a proper one.

I yield to the gentleman from California [Mr. KAHN] five minutes, or the remainder of my time.

The SPEAKER. The Chair thinks the gentleman has about five minutes.

Mr. SCOTT. Will the gentleman permit one question?

Mr. KAHN. Certainly.

Mr. SCOTT. Why are the words "in contiguous" inserted in the proviso?

Mr. KAHN. Mr. Speaker, the vessels that this law is intended to reach ply across the Pacific Ocean. The length of time of a round-trip voyage of the vessels plying between home ports and between American ports and Cuban, Porto Rican, Canadian, Mexican, and other ports near the United States border is so short that the vessels are not materially inconvenienced by the existing law.

Now, as a matter of fact, this law is intended to reach the few American vessels that still ply on the Pacific Ocean from Pacific coast ports to Asiatic ports. It frequently happens that the vessels have to anticipate their inspection by sixty to seventy-five days——

Mr. SHERLEY. Now, may I ask the gentleman why?

Mr. KAHN. Because otherwise the vessel would be at sea during the time her certificate expires.

Mr. SHERLEY. In other words, she is at sea sixty or seventy-five days?

Mr. KAHN. No; she is either at sea or at some foreign port. Of course she is more than that——

Mr. SHERLEY. She is away from her home port——

Mr. KAHN. For ninety days, frequently.

Mr. SHERLEY. You are permitting the vessel to be away ninety days without any certificate?

Mr. KAHN. Oh, no; she could not go for one day without a certificate.

Mr. SHERLEY. I understand; but if she went away the day before her annual license expired, under the terms of this act she could stay away until she came back, which might be ninety days.

Mr. KAHN. The gentleman might construe it that way.

Mr. SHERLEY. Does not the gentleman from California construe it that way, and is not that the effect?

Mr. KAHN. I do not think there is any danger of such a case.

Mr. SHERLEY. But is not that a possible case?

Mr. KAHN. But here is the situation: The vessel owners themselves would not want her to go to sea on a proposition like that. The law provides for inspection once a year, and they are willing to abide by that law and want to abide by that law. But the cases that have occurred indicate that the vessel frequently starts on her ninety days' trip with sixty or seventy days still to run on her previous inspection; that in order to comply with the law, because she would be at sea from three to thirteen days at the outside after her certificate expires——

Mr. TAWNEY. What would be the penalty in the event that occurred?

Mr. KAHN. I do not know exactly what the penalties are, but they are quite heavy. True, a vessel could be inspected at Honolulu, but you would hold up the vessel for about six days for inspection there. The fires would have to be drawn from the boilers and the loss to the passengers and the delay in delivery of freight and the delivery of the mails would be very considerable. In no instance, I will say to the gentleman from Kentucky, would a vessel be more than thirteen days overdue on inspection.

Mr. SULZER. Just a question, if the gentleman will permit. Is not the object of this bill to make inspections less frequent?

Mr. KAHN. No; inspections always occur once a year under the law.

Mr. SULZER. That is the law now, I know; but this changes the law.

Mr. KAHN. This changes the law in conformity, I will say to the gentleman, to the laws that are on the statute books of the great maritime powers of the world with which our vessels have to compete.

Mr. SULZER. This would delay inspection from fourteen to sixteen months.

Mr. KAHN. Oh, no; the gentleman is mistaken. It would delay inspection from three to thirteen days.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. I yield five minutes to the gentleman from Virginia [Mr. MAYNARD].

Mr. MAYNARD. Mr. Chairman, I oppose this bill because it seems to me that we ought not to bring in a bill of this kind as near the adjournment, at night, for the purpose of changing the admiralty laws of this country. It is not right. I will venture to say that not one-third of the Members on the floor would know what they are voting for if they voted for this bill.

Mr. HUMPHREY of Washington. Why did you not know what it was when it was before the committee? You did not have any objection to it then.

Mr. MAYNARD. Oh, I know; but what I say is that this is not a proper sort of bill to pass at this time.

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

Mr. MAYNARD. Yes, sir.

Mr. KAHN. This bill has the unanimous report of the Committee on the Merchant Marine and Fisheries.

Mr. MAYNARD. I do not care whether it has the unanimous report of half the committees of this House, it is not a proper bill to pass at this time, when very few of the Members present know what the bill is. There are plenty of opportunities to get the bill considered.

Mr. HUMPHREY of Washington. Will the gentleman allow me to ask him a question?

Mr. MAYNARD. Yes.

Mr. HUMPHREY of Washington. I understand the gentleman to say because of the late hour he objected to this particular bill being brought in. Is the gentleman opposed to considering the public-buildings bill at this late hour?

Mr. MAYNARD. That is a different character of bill. [Great laughter.] The public-buildings bill is something everybody knows something about. You are bringing in here a measure that the average Member does not know anything about. One-half of the average membership is not posted on admiralty matters. You are making a speech on admiralty matters, but you have no right to assume that men who come to Congress are all as well posted on admiralty matters as you are when you make a speech, and Members around you can not hear your views. It is not fair that those men should have to vote on a question involving as much as this does without any more information than you have given them to-night. [Laughter and applause.] I am not charging that the bill is an improper one or that it may not be a good thing, but there are different opportunities to consider bills of this character, involving the admiralty laws, that cover our merchant marine, and this is not the time to enter into the consideration of this kind of a bill. Why was it that when the effort was made to have it brought up for unanimous consent that a gentleman on your side of the Chamber, and a member of the committee, interposed his objection to have the bill considered——

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

Mr. SHERLEY. Mr. Speaker, I shall not delay the House unnecessarily. It seems to me that this proposition is really a serious one. It is not in criticism of the gentleman for bringing in a bill at this time, but we owe it to ourselves to understand this provision, and if it be a proper bill, to pass it; if not, to defeat it. Now, the purpose of the bill, as I gather it, is a doubtful one. It is to do away with some inconvenience that results from a vessel being at sea at the time this annual inspection is due; but whether the method arrived at to avoid it is a proper one, it seems to me, is a matter of some doubt. Now, there is a case stated in the report where a vessel was at sea on the 14th of August, the date when her license expired, and did not reach Honolulu, an American port, until three days thereafter, and that would have necessitated her being inspected many weeks before. But I suggest that that whole situation could have been arrived at by an amendment to the law that would have relieved the vessel from incurring penalties while she was at sea at the time of the inspection period, for, say, thirty days. That would have put a limitation upon the time in which a vessel could be at sea without inspection. The statement made by the gentleman from California is that unless this bill is passed, as proposed, to amend the law, if the vessel left her port the day before the date that she should be annually inspected, she might be gone sixty or ninety days without inspection. Now, if that statement is justified, it seems to me we should not let down the bars to that extent.

Mr. KAHN. Will the gentleman yield?

Mr. SHERLEY. I yield to the gentleman.

Mr. KAHN. I will ask the gentleman if he would object to it, if we had an amendment providing it could not leave port within thirty days of the time of inspection?

Mr. SHERLEY. And provided further, that they should not be at sea without such inspection beyond a certain period, say of thirty days.

Mr. HUMPHREY of Washington. We both want the same thing.

Mr. SHERLEY. Absolutely. I have not undertaken to oppose the bill captiously, but it is an important matter. It may involve human life.

Mr. HUMPHREY of Washington. I will accept an amendment of thirty days, if the gentleman will offer it. I think the gentleman's criticism is well taken.

Mr. MADDEN. Do I understand the gentleman to say that if a vessel happens to be at sea when the license period expires, the officers are liable to be fined for sailing the vessel into a port for inspection?

Mr. SHERLEY. Under the existing law they are subject to certain penalties for having a vessel in the service without inspection.

Mr. MADDEN. I wish to say that I have had some experience as an owner of steamboats that have to be inspected, and there never has been a time in all the history of my experience when any captain of a boat was fined for running his boat into port if his papers expired before he reached the port.

Mr. SHERLEY. I am not speaking from my own knowledge, but the statement was made by both of the gentlemen in advocating the bill that the officers of vessels were subject to penalties, and the purpose of passing this act was to relieve them from those penalties.

Mr. MADDEN. If the ship was to go into a foreign port, the foreign inspection officers would have no jurisdiction over a vessel of the United States, so I do not see where the statement of the gentleman from Washington amounts to anything, because a foreign government can not take jurisdiction over the inspection of an American ship.

The SPEAKER. Does the gentleman propose an amendment, or ask unanimous consent?

Mr. SHERLEY. I shall be glad to do it, if I can have time to frame the amendment.

Mr. MANN. Mr. Speaker, I suggest that possibly if an amendment were adopted providing that the time allowed by this bill in which to complete the voyage after the expiration of the license shall not exceed thirty days, that would cover that part of it. Undoubtedly there ought to be something of that sort in the bill, and the proviso which the gentleman has now offered is quite necesary, because it is not merely the delay to the vessel or to the vessel owners, but there is the delay to the passengers and to the freight if a vessel is required to be inspected at Honolulu instead of making her trip to San Francisco or Seattle, or wherever she unloads her passengers or her freight. I do not know how long a time it takes to inspect a steam vessel, but in the hearings recently had before us in reference to locomotive engines it appeared that it sometimes takes a full day to make a proper inspection, and if that be the case it undoubtedly takes a considerable length of time to inspect a steam vessel.

Mr. KAHN. From three to six days.

Mr. MANN. The gentleman from California says from three to six days.

Mr. SHERLEY. Mr. Speaker, it is impossible for me to prepare an amendment in the form that I think it ought to be prepared in the haste and confusion of the present moment, but I have just spoken to the gentleman in charge of the bill, and with the assurance that before it becomes a law he will see that those provisions are incorporated in the bill, I for one am willing to permit the passage of the bill at this time.

Mr. HUMPHREY of Washington. I think that ought to be done, and I want it done myself.

Mr. SHERLEY. That is all right.

Mr. KAHN. The gentleman's idea being that the limitation of thirty days be put in the bill?

Mr. SHERLEY. A twofold limitation—one that the provision shall not apply where the vessel can, by remaining in port, say, fifteen days, get its inspection, and the other that it shall not be permitted to be at sea for a longer period than thirty days after the expiration of the certificate.

Mr. MANN. I understand the gentleman from Kentucky to mean that this proviso shall not be operative where the vessel leaves port within fifteen days of the time of the expiration of the certificate.

Mr. SHERLEY. That is true.

Mr. MANN. Nor to exceed thirty days beyond the expiration of the certificate?

Mr. SHERLEY. That is right.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question being taken, the Speaker announced that in his opinion, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

Mr. MADDEN. Division, Mr. Speaker.

Several MEMBERS. Too late.

The SPEAKER. If the gentleman was on his feet demanding a division, the Chair did not hear it; but the Chair will take the gentleman's word.

Mr. MADDEN. Mr. Speaker, I give you my word that I was on my feet demanding a division.

The House divided; and there were—ayes 199, noes 62.

Accordingly, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

ADDITIONAL CIRCUIT JUDGE, FOURTH JUDICIAL CIRCUIT.

Mr. PARKER. Mr. Speaker, by direction of the Committee on the Judiciary, I move to suspend the rules and pass the bill (S. 3658) providing for an additional judge in the fourth judicial circuit.

The Clerk read the bill, as follows:

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

Mr. WEBB. Mr. Speaker, I demand a second.

Mr. PARKER. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. PARKER. Mr. Speaker, the fourth judicial circuit of the United States, one of nine, consists of the States of Maryland, Virginia, West Virginia, North Carolina, and South Carolina. It is well known that these are growing States, and especially in parts of the last I have named in the mining and manufacturing, and that the business has grown very rapidly.

This is the only circuit in the whole United States which has but two circuit judges. All the rest have either three or four. The fact that the circuit court of appeals had to be filled up from the overworked district courts resulted in the recommendation from the Attorney-General that another circuit court judge should be appointed so that there will be a circuit court of appeals of three circuit judges. This is desired by resolutions of the state bar associations of Maryland, Virginia, West Virginia, and North Carolina. Under these circumstances the committee have recommended this bill for the appointment of a third judge in this circuit so as to make the force of the circuit court somewhat like that in the other circuits. I reserve the balance of my time.

Mr. WEBB. Mr. Speaker, on the 4th day of June, 1906, this House, upon my motion to suspend the rules and pass the bill, appropriated $30,000 for the erection of a monument on Kings Mountain battle ground, and on the 7th day of October, 1909, this monument was dedicated with appropriate ceremonies.

The shaft stands on the spot where the thickest of the fight occurred—an elevated plateau near which Colonel Ferguson fell in an attempt to break through Sevier's column of mountain men. The location was selected by myself, through the courtesy of Captain Stewart, then in charge of the work. The foundation, a 24-foot cube, is laid in the solid rock of the mountain; the base, a 13½-foot cube, is built of Mount Airy granite, and thereon the shaft, also granite, rises to the superb height of 84 feet and 6 inches, thus being plainly visible over miles of that vast stretch of country from which the heroes of that decisive conflict came.

The plates and inscriptions on the monument are as follows:

Northwestern side: To commemorate the victory of Kings Mountain, October 7, 1780. Erected by the Government of the United States, to the establishment of which the heroism and patriotism of those who participated in this battle so largely contributed.

Southwestern side: American forces. Where originated—Washington County, Va.; commander, Col. William Campbell. Washington County, N. C. (now Tenn.); commander, Col. John Sevier. Sullivan County, N. C. (now Tenn.); commander, Col. Isaac Shelby. Ninety-sixth District, S. C., and Rowan County, N. C.; commander, Col. James Williams. Wilkes County and Surry County, N. C.; commanders, Col. Benjamin Cleveland and Maj. Joseph Winston. Lincoln County, N. C.; commanders, Lieut. Col. Frederick Hambright and Maj. William Chronicle. Burke and Rutherford counties, N. C.; commander, Maj. Joseph McDowell. York and Chester counties, S. C., then part of Camden District, Ga.; commanders, Col. Edward Lacy, Col. William Hill, and Maj. William Chandler. Reserves; commander, Col. Joseph Johnston.

NOTE.—Col. Charles McDowell, the regular commander of the Burke and Rutherford County Regiment, was absent from the battle on a special mission to General Gates.

British forces. Commanders—Maj. Patrick Ferguson, (K) Capt. Abraham De Peyser.

Southeastern side: On this field the patriot forces attacked and totally defeated an equal force of Tories and British regular troops. The British commander, Maj. Patrick Ferguson, was killed and his entire force was captured after suffering heavy loss. This brilliant victory marked the turning point of the American Revolution.

Northeastern side: Killed—Col. James Williams, Lieut. Col. James Steen, Maj. William Chronicle, Capt. William Edmondson, Capt. John Mattocks, First Lieut. William Blackburn, First Lieut. Peece Bowen, First Lieut. Robert Edmondson, sr., Second Lieut. John Beattie, Second Lieut. James Corry, Second Lieut. Nathaniel Dryden, Second Lieut. Andrew Edmondson, Second Lieut. Nathaniel Gist, Second Lieut. Rumberson Lyon, Second Lieut. James Philips, Private Thomas Blackneel, Private John Boyd, Private John Bowen, Private Daniel Duff, Private Preston Goforth, Private Henry Hennigar, Private Michael Mahoney, Private Arthur Patterson, Private William Rabb, Private John Smart, Private Daniel Siske, Private William Steele, Private William Watson, Unknown. Mortally wounded—Capt. Robert Sevier, First Lieut. Thomas McCullough, Second Lieut. James Laird, Private Henry Mosses. Wounded—Lieut. Col. Frederick Hambright, Maj. Micajah Lewis, Maj. James Porter, Capt. James Dysort, Capt. Samuel Espy, Capt. William Lenoir, Capt. Joel Lewis, Capt. Mosses Shelby, Capt. Minoir Smith, First Lieut. Samuel Newell, First Lieut. J. M. Smith, First Lieut. Charles Gorden, First Lieut. Robert Edmondson, jr., First Lieut. Samuel Johnson, Private Bononi Banning, Private William Bradley, Private William Bullen, Private John Childers, Private John Chittim, Private William Cox, Private John Fagon, Private Frederick Fisher, Private William Giles, Private —— Gillelard, Private William Gilmer, Private Israel Hayter, Private Robert Henry, Private Leonard Hyce, Private Thomas Kilgore, Private Robert Miller, Private William Moore, Private Patrick Murphy, Private William Roberson, Private John Skeggs, 24 unknown.

Prior to the erection of this monument, two monuments were erected on the mountain to commemorate the victory there gained. The first, known as the "Soapstone monument," was erected in 1815 by Dr. William McLean, a distinguished citizen of Lincoln County, N. C. It is, as its name suggests, very unpretentious, and the inscriptions are now well-nigh illegible. In 1880 the legislature of North Carolina appropriated the sum of $1,000, which, supplemented by private subscriptions secured by the Kings Mountain Monument Association, was used in the building of the Centennial monument, at a cost of $2,800. The unveiling occurred on October 7, 1880, Senator JOHN W. DANIEL, of Virginia, being the orator of the occasion.

For years the need of a shaft built by the Government of the United States, and more worthy of the recognized turning point in the Revolutionary war, was felt throughout the States which furnished the soldiers for this great battle. Some time before I had the honor to become a Member of Congress I had conceived the idea of having a monument built by the Government, and among the first bills introduced by me, and the first ever introduced for this object, was one on February 8, 1904, making an appropriation for this purpose. I am happy to assure the House now that the amount so generously allowed is thoroughly appreciated by the entire section over which the monument looks—a reminder that, while it expects loyalty and sacrifice, the Nation is always grateful to and willing to honor for all time those who do its service.

Mr. Speaker, I desire to incorporate in the RECORD the programme of these dedicatory exercises, a somewhat imperfect newspaper reprint of the very excellent oration by Dr. H. N. Snyder, of Spartanburg, S. C., and the remarks which I prepared for this occasion, and which, because I was detained at home by serious illness in my family, were read by my good friend and colleague, Hon. ROBERT N. PAGE.

CELEBRATION OF THE COMPLETION BY THE FEDERAL GOVERNMENT OF A NATIONAL MONUMENT IN RECOGNITION OF THE DECISIVE IMPORTANCE OF THE BATTLE OF KINGS MOUNTAIN, OCTOBER 7, 1780.

Kings Mountain.

(By Mrs. Clara Dargan Maclean.)

Here, upon this lonely height,
Born in storm and bred in strife,
Nursed by Nature's secret might,
Freedom won the boon of life.
Song of bird and call of kine,
Fluttering leaf on every tree,
Every murmur of the wind,
Impulse gave to Liberty!

Then she blew a bugle blast,
Summoned all her yeomen leal:
"Friends, the despot's hour is past—
Let him now our vengeance feel!"
Rose they in heroic might,
Bondsmen fated to be free,
Drew the sword of Justice bright,
Struck for God and Liberty!

Come, ye sons of patriot sires,
Who the tyrant's power o'erthrew,
Here, where burned their beacon fires,
Light your torches all anew!
Till this mountain's glowing crest,
Signaling from sea to sea,
Shall proclaim from east to west
Union, Peace, and Liberty!

PROGRAMME OF EXERCISES, THURSDAY, OCTOBER 7, 1909.

Assembly at 10.30 o'clock a. m., at the grand stand and around the new monument erected by the United States Government, the several bands playing in succession.

Calling of the meeting to order, by Col. Asbury Coward, chairman of the executive committee, and introduction of Governor Martin F. Ansel, of South Carolina, as presiding officer.

Invocatory prayer, by President S. C. Mitchell, of the South Carolina University.

The Kings Mountain Centennial Lyric, written by Mrs. Clara Dargan Maclean; music arranged by Professor Linebach. To be sung by entire audience, led by the Yorkville cornet band under the direction of Prof. R. J. Herndon.

Addresses of welcome and felicitation, by Governor M. F. Ansel, of South Carolina, Governor W. W. Kitchin, of North Carolina, Governor M. R. Patterson, of Tennessee, and Governor J. E. Brown, of Georgia.

Oration by President Henry N. Snyder of Wofford College.

Music, National Anthem.

Toast, "The United States of America." Response by Hon. D. E. FINLEY, Member of Congress, South Carolina. Response by Hon. E. Y. WEBB, Member of Congress, North Carolina.

Doxology (long meter), sung by the audience, with band accompaniment.

Benediction.

FRIDAY, OCTOBER 8, 1909.

Beginning at 9 o'clock on the morning of Friday, October 8, the combined forces of the National Guard of North Carolina and South Carolina will demonstrate, for the benefit of the public generally, the battle of Kings Mountain as originally fought by the forces of the American and British armies.

North Carolina troops: First Infantry, National Guard of North Carolina, Col. J. T. Gardner commanding; First Battery Field Artillery, National Guard of North Carolina, Captain Robertson commanding.

South Carolina troops: Provisional regiment, composed of companies from the First and Second regiments of infantry, National Guard of South Carolina, Col. W. W. Lewis commanding.

The entire programme will be carried out under the supervision and direction of Gen. J. C. Boyd, adjutant-general, State of South Carolina.

DOCTOR SNYDER'S ADDRESS.

Patriotic women, worthy and gracious descendants of those who helped to make this Republic a reality, and the Republic itself, grateful to the men who, in this spot one hundred and twenty-nine years ago, sealed with their blood their faith in free institutions—the Daughters of the American Revolution and the Government of the United States—have to-day brought us together to dedicate this shaft of enduring granite to the memory of those who fought in the principles for which they fought, and to an abiding love for the country whose foundations they helped to lay. In this celebration we are expressing some among the noblest emotions of our human nature—a memory which will not let us forget, in the clamorous interests of the present hour, a splendidly heroic past, a tribute of homage to those who gladly gave life itself in devotion to a large and noble cause, a generous gratitude for this rich heritage of free institutions, and a patriotism that dedicates itself afresh to the maintenance of these institutions, and in the high and holy passion of the hour resolves to hand them down, not only unimpaired, but enhanced to bless the after generations. Memory for a heroic past, homage to those who served nobly in it, gratitude for blessings received from dead hands, a new and stronger love for a country and a cause besprinkled with blood of willing human sacrifice—these are, I repeat, among the finest and best emotions of our humanity. The mood they bring to us makes this a sacred occasion and touches our thought with something of the high passion of religion. It transforms this hill into a shrine of patriotism and consecrates us and all Americans ministrants at its altars. It is in this spirit that I shall endeavor to tell anew the familiar story, interpret afresh the motives that beat at the heart of the men who here acted their parts so greatly, and bring home to our thought, with what clearness and force I may, the profound significance of October 7, 1780, not only to this Republic, but to the future of humanity itself.

A battle as a battle, in which men shoot and cut and slay one another in fierce, slaughterous lust for blood, is an ill thing to consider. No flaunting of bright banners, no blare of silver trumpets, no rythmic tramp of marching feet, no glittering of war's trappings, no dauntless daring, no high-hearted courage, no glad willingness to give up life and all that men hold dear—none of these things avail to redeem a battle of the hideous horror of its sheer inhumanity and transform its gory field into a sacred spot, to which men and women of the after time journey as to a shrine. The battle and its field get their redemption from the truth, the principles, the ideals that animate the combatants. There is no virtue in mere fighting. The virtue lies in that for which men fight.

But these men of Kings Mountain were fighting for principles of home, of social, of religious, of political life, which lift their battlefields—this spot—from the low level of a physical struggle, with all its attendant horrors, into a high and holy place of sacrificial service. The principles that moved them and the ideals that gleamed before them constitute the very alphabet of the primer of our social and political organization. Nevertheless no company of Americans can have the face to gather together on an occasion like this without reminding themselves afresh of those fundamental principles which furnish the life-giving spirit to all their institutions. Moreover, it is the beauty and significance of these principles, grasped in the thought, imbedded in the conscience, and aglow in the heart

of the riflemen of Kings Mountain that made the grim, relentless slaughter of that October day an inevitable and glorious necessity.

It should be remembered, first, that they were not fighting for some new principle of government. They were probably simply conscious that they were fighting to hold what they had brought with them from the older lands over-sea. The civilization they had planted along the Atlantic shore line was new only in the conditions by which it was surrounded. The organized form of government by which this civilization was protected and furthered was no strange discovery flashing suddenly upon the American colonists as they struggled to make the wilderness habitable. They were Englishmen in the main, with English conceptions of home, of individual and public rights, with English ideas of law and order and government. They knew they were but planting an old seed in a new soil, and they felt it their bounden duty to see to it that it should be so cultivated and tended, as it grew, as not to lose any of its power of beneficent fruitage. The working principles of their organized and individual life were therefore very old and very precious. They were present, in rude beginnings, it is true, far back on the shores of the German Ocean in the oldest home of the race, when grim Saxon warriors chose their own chief by free vote and signed their assent to any measure by clashing sword on shield. They were present when Saxon thanes gathered under the spreading branches of a great oak on the hillside—the first British Parliament—and as free and equal men judged and decided what was best for all the people. They throbbed in the heart of those stern barons who wrung from a reluctant king, on the meadows of Runnymede, the Great Charter of our liberties. Their principles actuated the commercial and industrial classes of the late Middle Ages, when they refused to be taxed without representation, and forced and brought tyrannical kings to their way of thinking. It was the might of these principles that won an open Bible in their own everyday speech for the common people in the days of Henry VIII, Elizabeth, and James II. It was the fire of these principles that fused English Puritan and Scotch Covenanter together, and sent them victorious to Naseby and Marston Moor. It was violation and defiance of these principles that brought a king's head to the block after he had been tried and condemned by an elected parliament of the people.

These principles of the right and the ability of the people to govern themselves, slowly won through the centuries, but once won never surrendered, the Cavaliers brought with them to Virginia, the Pilgrims to New England, the Dutch to New York, the Swede to New Jersey, the Quaker and the German to Pennsylvania, the Scotch-Irish to the new homes along the slopes of the Blue Ridge, and the Huguenot to the lowlands of South Carolina. Freedom, self-government, was born in the blood and bred in the bone of most of these men, but its power was strengthened by the stress and strain of their new surroundings. It was felt and realized by all, not only by the cultivated thinker of the older colonies, but also by the lonely hunter by the salt licks of the Cumberland. When the storm of the Revolution broke they knew, each and all, clearly what was at issue and thought it worth while to pay the price of life and goods for it. It was their rights as Englishmen which were threatened, rights long inherited and dear bought. When they read the great Declaration of July 4, 1776, it had power to move them, not because it told of new and unfamiliar political principles, but because it restated in stirring phrases the old and familiar. And these were too precious to give up. It is these principles, therefore, their supreme worth to them and to humanity and the radiant heroism that was spent to maintain them, that invest this spot with the glory we commemorate to-day. It was a battle by heroic men for principles that make men heroic.

And the mere story of it is well worth the telling anew. What is the condition of the cause for which the colonists were fighting immediately before the battle of Kings Mountain, October 7, 1780? By the middle of May of this year, Augusta, Savannah, and Charleston had fallen into the hands of the British. Following these victories they adopted the severest measures for completing the work of subjugation, particularly in South Carolina. Imprisonment, confiscation of property, banishment, ruthless execution under the superficial forms of military law, robbery, murder were the order of the day. Their most relentless leader, Tarleton, scoured the middle and lower country, leaving devastation and ruin in his tracks. "No quarter," was his motto, even in open and honorable battle. It was only the activity of such leaders as Sumter, Marion, Pickens, and Bratton, striking suddenly and getting swiftly away to strike again, that seemed to keep burning the spark of liberty and save the State from that complete subjugation at which the British aimed.

In the up country Colonel Ferguson, in many respects the most skillful of the British leaders, was vigorously and effectively active. This man had courage, dash, resourcefulness, power of organization, tact, and address in conciliating the disaffected and winning the hesitant over to the British side, and a large amount of that personal magnetism that enters into the make-up of the real leader. This picturesque and masterful man was doing in the up country what Tarleton was doing in the low country. His command consisted of provincial American troops from New York and New Jersey and Tories from North and South Carolina. The exceptional skill of their leader had trained and organized them into a high state of efficiency.

The whole country was now in a thorough state of demoralization, and to the ills of a foreign invasion were added the horrors of civil war. Families were divided into opposing camps of Whigs and Tories—father against son, brother against brother, neighbor against neighbor—the unhappy state of the country furnished the fruitful occasion for the expression of all the baser passions of our human nature. Open murder, secret assassination, theft, burnings, pillage were the familiar happenings of the day. No man's life, or family, or home was safe from the attack of the midnight prowler. It was a time of gloom, and the patriot cause seemed all but lost.

But faith and courage had not quite died out. There were a few who still kept the torch of liberty alight in hearts of gold and fought on against desperate odds. On the 18th day of August they closed a series of sharp engagements with an attack on a detachment of Ferguson's troops at Musgroves Mill, on the Enoree River, and gained a signal victory. McCall, Williams, Hammond, Brandon, Steen, Charles McDowell, and McJunkin were the leaders. Among them, however, was a new type of fighting men, now for the first time entering upon the stage of action. These were the riflemen from over the mountains—men from Georgia, under Clarke, from the Nolachucky, the Watauga, and the Holston, under Robertson, Sevier, and Shelby. These distant frontiersmen, resting a while from clearing new lands and fighting Indians beyond the Blue Ridge, had crossed the mountains at McDowell's call for help.

Flushed with their victory, the patriot leaders were now ready to move on to strike the British post at Ninety-Six. But there came the terrible news of the complete defeat of Gates's continental army at Camden; so they, too, must retreat—the mountain men to their homes beyond the Blue Ridge and the rest over the border into North Carolina. These are now the dark days of the Revolution, darker than any time since the drear winter of Valley Forge. Marion was in hiding; Sumter had been surprised and beaten at Hanging Rock and his forces scattered; the shattered remnants of Gates's demoralized army had fled to Hillsboro, N. C.; Cornwallis was at Charlotte prepared to do in North Carolina what he had done in its sister State to the south, and then moving into Virginia to strike Washington and put down forever the cause of human liberty on these shores; Ferguson had swept up to the very foot of the mountain on the west, driving everything before him, awing the cowardly, winning over the weak and hesitating, and slaying where he could those stubborn patriots who yet held out, and destroying their homes. Well could he and Cornwallis report that the rebellion was at an end in South Carolina. Dark and desperate seemed the cause of free men and free institutions. To hope for success now would seem but the futile dream of those who took no sane reckoning of conditions. Further resistance were a vain and useless waste of life and property. The sun of liberty had gone down in the stormy darkness of a starless and uncertain night.

Early in September Ferguson, before moving eastward from Gilbert Town, sent a messenger to the mountain chieftains on the Watauga, the Nolachucky, and the Holston that if they did "not desist from their opposition to British arms he would march his army over the mountains, hang their leaders, and lay waste their country with fire and sword." Wrongly he reckoned on the real effect of such a message. It came as a challenge to men little accustomed to let a challenge pass without taking it up. Besides, it held out a threat of invasion and the destruction of homes but recently won from the wilderness and the savage. Humble log cabins though they were, resting under the shadow of great mountains, they were yet the homes of American freemen, and with the blood in their veins and the race memories that cling about their traditions their first duty was to keep these homes sacred within and safe from any attack without. Moreover, these men were not of the sort to wait for the foe to come to them. They were accustomed to seek their foes.

On the 25th of September, at the call of their leaders, the mountain men met at Sycamore Shoals, on the Watauga. It is a fateful and significant gathering. The destiny of a future republic is involved in it. Campbell is there with his 400 Virginians; Shelby has brought 240 of his Holston men to join them, to an equal number from the banks of the Watauga under Sevier. Looking back upon them from this distance of time one must say that that is a romantically picturesque company of men who gathered together on that bright September day, with the clear-flowing Watauga at their feet and their great hills towering above them glowing in the first gorgeous penciling of autumn. As they move to and fro in groups discussing the supreme question of the hour or gather in mass to hear what their leaders have to say, they are well worth our considering who and of what sort they are.

Clad in the familiar fringed hunting shirt of the frontiersman, their long hair flowing from beneath coon-skin or mink-skin caps, their feet shod in the moccasin of their Indian foes, in their belt the knife and tomahawk, and in their hands, ever ready, reaching from foot to chin, the long, deadly rifle, in the use of which they had become marvelously expert, they step before our modern eyes as singularly romantic and picturesque figures. They are our knight-errants of the wilderness, "the advance guard of western civilization and the rear guard of the Revolution." Tall, grim, gaunt, keen-eyed, toil-hardened men, with nerves of steel and muscles of iron, rude of speech, rough of manner, and stern of deed, their struggle to subdue the wilderness and their contests with the Indians had made them resourceful, self-reliant, independent, brave. They were essentially a product of their surroundings and of their manner of life. They were not builders of towns; they were, however, home builders in the wilderness, and therefore woodsmen, hunters, Indian fighters.

But they were far more than this. Before the middle of the eighteenth century Scotch-Irish settlers had come over from the Old World, and pushing beyond the seacoast, beyond even the Piedmont Hills, had crossed the Blue Ridge and claimed for their own the fertile valleys between the two Appalachian ranges. They were a strong, virile, vigorous folk, and having the blood of the Covenanters in their veins, they were committed unalterably by instinct, tradition, and practice to civil and religious liberty. They and their descendants became the most American of Americans. By and by the thin line of settlements which they first established from Pennsylvania to Georgia was strengthened by the enterprising men of other faiths and blood who also loved liberty—Swedes, Germans, English, and even a sprinkling of Huguenots. But in the course of time all became subdued to the prevailing stern Scotch-Irish Presbyterian type—a type if not always considerate of other people's rights, at least ever tenacious of their own. In their rude cabins in the shadowy gloom of the unbroken forest, fighting Indians, clearing a bit of land for next year's crop, enduring all manner of hardships, to-day a son or father or brother slain by a treacherous foe, to-morrow wife or daughter or sister carried off to captivity worse than death, they were trained in an iron school of experience, and it made iron men of a stock already possessed of not a few of the iron virtues.

And in the school they lost none of their love of liberty, nor abated one jot of their stubbornness in holding it or their quick willingness to fight for it. As early as 1772 they had set up on the banks of the Watauga the first organized form of government ever set up by American-born men on this continent. And their articles of government show two things: First, that they knew what freedom was, and secondly, that they knew how to organize it practically into institutions.

They naturally, from the beginning, ardently espoused the cause of the colonists; but up to this time their chief business had been to keep the Indians in check, who were continually wrought upon by British agents to join them in the conflict. Roosevelt has aptly described these Americans of the Allegheny valleys "as a shield of sinewy men thrust in between the people of the seaboard and the red warriors of the wilderness." And well had they performed this duty. But now another duty called. They would not wait for the foe to seek them in their homes. They would seek him. So on the morning of the 26th they are ready to march. In answer to a prayer and an address by one of their preachers they shout in chorus, "The sword of the Lord and of our Gideons," and mounted on tough wiry steeds they turned their faces eastward over the mountains; through rugged defiles, over narrow trails, under frowning precipices this little army of democratic American citizens, who would be free, threaded their cautious way. Four days later, on the 30th of the month, they are over the mountains at Quaker Meadows. Here they are joined by 350 North Carolinians under Cleveland and Winston and McDowell, leaders true and tried, and men seasoned by repeated conflicts with their Tory enemies. Finally, in the afternoon of the 6th of October, they reached Cowpens. There they are joined by the forces of Lacy, Hill, Williams, and Hambright, South and North Carolinians who know how to yield. They are now within striking distance of the foe they are seeking. He is only a little way ahead, having taken a position on a hill near Kings Mountain, from which he said God Almighty Himself nor all the rebels out of hell could not drive him.

But there is hardly time even for rest. The time to strike their blow is at hand. At 9 o'clock they set out. The stars are obscured by heavy clouds and a drizzling rain begins to fall. In black darkness they press on till the gray, dripping dawn finds them at the Cherokee Ford on Broad River. They had marched 18 miles during the night, and their enemy was yet 15 miles away. But wearied as they were they press on without food or rest, and at 3 o'clock in the afternoon they are at the foot of the hill ready for the attack.

"To catch and destroy Ferguson" had been the cry of the mountaineers. Now they were ready to make it good. The hated foe was within their grasp. Leaving their horses, afoot they hasten into action, with forces so divided as completely to surround the enemy. With his usual dash and courage the British leader answers charge with charge. But he meets a new kind of fighting men, and they give him what they call "Indian play;" that is, charging from the protection of one tree to that of another, they fire upon the British with their usual deadly accuracy. Ferguson repeatedly gives them the bayonet, a mode of warfare with which they, too, are unfamiliar. At each charge they flee quickly down the hillside till out of reach of the enemy and then turn to charge and fire again with terrible execution. For an hour the slaughter goes on, the American forces gradually closing in. Early in the action the gallant Ferguson is slain, pierced with seven wounds. Nothing can save his band now. Flags of truce are shown by the British at various points in the conflict. But the mountaineers, at least many of them, did not even know what a flag of truce meant, and kept on firing. Finally the firing ceased, and that October sun went down on the last of Ferguson and his men—all slain or captured. The men of the hills and the mountains had done what they came to do—capture and destroy Ferguson. So, burying their dead, caring for the wounded, and taking their prisoners, they turn their faces once more toward their valley homes beyond the dim blue lines of the distant mountains.

But Shelby, Sevier, Campbell, Cleveland, McDowell, Winston, Hambright, Lacy, Hill, and Williams, with the men under them, had done far more than destroy Ferguson. Their victory sent Cornwallis from Charlotte back to Winnsboro all but panic stricken, freed the up country of the horror and oppression of Tory rule, brought a new hope and courage and faith to the patriotic cause everywhere, and became the turning point of the Revolution, making Yorktown's glad day a near possibility. There may have been other battles in which more men were engaged, but none counted for more in its deep and far-reaching influence than that one which was here fought one hundred and twenty-nine years ago. It gave us the imperial Republic of this proud hour.

Men of the up country of the two Carolinas and of Georgia of that elder day, you had the reward of all your sufferings and hardships on this slope on that day of battle. To-day we turn back to you in gratitude for the priceless legacy you left us, your descendants; men of the distant mountains of Virginia, of Tennessee, of Kentucky, you left this field to take up anew the tasks you but temporarily laid aside, tasks mighty in their influence upon the country you here helped to save, fighting Indians, carving new Commonwealths from the wilderness, and holding from Frenchman and Spaniard the West and Southwest, the fairest portion of our national domain. Fitting it is, therefore, that we, your heirs, should dedicate to your memory this lofty shaft. Its base rests upon the hill consecrated by your valor and your devotion to the cause which now blesses us, and you were men of the hills; it is made of enduring granite dug from the very earth over which you marched and suffered, and you were unyielding granite in the stubborn virtues of your manhood; it points away to the blue of the overarching sky from its deep base in the broad bosom of the earth, and out of your heroic virtues, born of the soil that you won, there soared high over all the aspiring ideals of home, of brotherhood, of the same rights for all and special privileges to none, of religious and political liberty in a Republic of free and equal men. It was for these ideals that you fought and were willing to die. That granite fiber of your manhood, that grim, stern battle lust, those muscles of iron and nerves

of steel, all were but the servants of your ideals. These chiefly constitute your glory. You did your whole duty in striving to make them real in your own way and by your own means, and we of to-day honor you most when we turn from this scene and these exercises and this shaft dedicated to your memory possessed with the thought that it shall be our duty to meet any new tasks, social, industrial, and political, that have come to us in the spirit of the ideals which, through your deeds here performed, make this spot a shrine of patriotic worship for all Americans.

ADDRESS OF HON. E. Y. WEBB.

Mr. CHAIRMAN AND FELLOW-CITIZENS: In attempting to discuss so big a subject as the "United States of America" in the short time necessarily allotted to me, I am reminded of the braggart who boasted that he could whip any man in Richmond. No one taking up the gauge of battle, he declared that he could whip any man in Virginia; still, no one accepting the challenge, he loudly announced that he could whip any man in the United States, whereupon some one struck him full in the face and laid him low. When he recovered consciousness, and after rubbing his face for a moment, he candidly said: "Boys, I took in too much territory the last time."

However, the subject has been assigned me by the programme committee, and I will do the best I can with it, at the same time craving your sympathy and attention.

For a few minutes let us consider the condition of our country at the time the battle of Kings Mountain was fought, and trace the growth and progress of the Republic to the present time.

Mr. Chairman, on this spot of earth where we now stand, there occurred, just one hundred and twenty-nine years ago, a momentous struggle, in which was bound up the destiny of a country that has since become richer than Ophir or Babylon, mightier than Rome, vaster than the British Empire, and more cultured than Greece. Had the patriots lost this all-important battle our country would have retained the British yoke and remained an English province. On this hilltop on that eventful day quivered the destiny of this Republic in fate's tremendous balances. When the guns ceased firing, and the smoke of that hour's terrible contest had cleared away, the patriots' triumph was complete, and the way grew clear, the path bright, to the successful termination of the Revolutionary war, with our independence established forever; and under the guidance and smiles of Providence that young Nation has become the mightiest Government that ever existed on the shores of time.

Let us notice the conditions under which the young Republic started her career alone among the other nations of the earth. Her people did not exceed 3,000,000, scattered over an area of 240,000 square miles. To-day her population has grown to 90,000,000 of people, inhabiting 3,600,000 square miles of territory. In 1790 Virginia had the largest population of any of the States, Pennsylvania was next, and North Carolina third. The country was then bounded on the west by the Mississippi River, on the south by the Spanish colony of Florida, on the east by the Atlantic Ocean, and on the north by the Dominion of Canada. At that time the northern boundary was in dispute and but six of the thirteen States had definite boundaries. The boundaries of North Carolina and South Carolina were not known or settled. The populated portions of the country were along the Atlantic seaboard.

In those days there were but three banks in existence—the Bank of North America, in Philadelphia, the Bank of New York, and the Bank of Massachusetts, in Boston. It is interesting to observe that we now have more than 17,000 banking institutions.

About the only modes of travel and transportation in those days were by boat and horseback. In the South there were no wagon roads, and but few in New England. All highways were but bridle paths or blazed trails running through an unknown wilderness. Practically the only road in the South ran from Alexandria, Va., via Jamestown, on to Herford, Newbern, and Wilmington, N C., and on to Charleston and Savannah.

In those primitive days there were but 75 post-offices throughout the land, the receipts of which were $38,000 per year, and expenditures on account of this department were $32,000, while last year the Government spent on this department alone about $200,000,000. The mail was carried then by stage and horseback. Since then there have been established 75,000 post-offices, and the mail is now transported by air tubes and express trains. The prices of postage then depended on the distance a letter was carried, the postage usually being paid by the person receiving the letter or at the place of delivery. It cost 6 cents to carry a letter 30 miles, 12½ cents to carry it 100 miles, and 25 cents to carry it 450 miles. Now a man in Maine may send his letter to San Francisco or to the Philippine Islands for 2 cents, or to the farthest part of earth for 5 cents.

In 1790 North Carolina had but four post-offices—Edenton, Washington, Newbern, and Wilmington. South Carolina had but two—Georgetown and Charleston.

There was then but one cotton mill in existence; and now we have about 2,000, furnishing cotton goods to the farthest markets of earth. The old-time spinning wheel was found in every home; and it is now only a relic preserved from the long ago. Such a machine could spin five skeins of No. 32 yarn in thirty-six hours; while the modern mule spinning machine, operated by one person, can produce 55,000 skeins of similar thread in the same time. With the old-time loom one person could weave 42 yards of cotton cloth in a week, while now a single person with modern machinery can produce 3,000 yards in the same length of time.

The value of all manufactures then aggregated $20,000,000; while now they are valued at about $13,000,000,000 annually. The entire imports and exports in 1790 amounted to $40,000,000, while now they average more than $2,000,000,000.

Education was but poorly encouraged, there being but 20 colleges about like our ordinary high schools; while to-day there are about 500 with an enrollment of 200,000 students. There were but two medical schools in the early days of the Republic and not a single school of law.

Only 103 newspapers furnished the news to the people; while last year there were more than 20,000 of these publications. North Carolina had but one newspaper in 1790, the Fayetteville Observer, and South Carolina had but two, the State Gazette and the City Gazette, or Daily Advertiser. In those days the printing of 250 small papers in an hour was fine work; while now we have printing presses that can print, cut, and fold 96,000 eight-page papers per hour, or 1,600 every minute. The paper in this modern mechanical wonder passes through the cylinders at the rate of 30 miles an hour.

In 1790 New York was the largest city with 32,000 inhabitants, Philadelphia next with 28,000, Boston next with 18,000, and Charleston fourth with 16,000. The increase in population in the United States from 1790 to the present is 2,000 per cent. Belgium in the same time increased her population 204 per cent, England 155 per cent, Germany 143 per cent, and France but 42 per cent.

The total number of members of the lower House of Congress was 65, each based on 33,000 population. We now have 392 Members, each based on 190,000 population. Had the basis of this representation remained unchanged since 1790, there would now be 2,259 Members of the lower branch of Congress; and had the basis of 1900 been used in 1790, Congress would have had but 18 Members in it.

In those days the entire wealth of the country did not exceed $1,000,000,000; while now it exceeds $113,000,000,000.

Since this battle was fought the Federal Union of 13 States has grown to embrace 46 States, besides numerous Territories and insular possessions, until to-day one is startled at the thought that our country's flag flies over 3,690,000 square miles of the earth's surface.

On the 30th day of April, 1803, under the masterly guidance of Thomas Jefferson, that vast stretch of territory beyond the Mississippi became part of the United States. Out of this immense territory have been carved the States of Louisiana, Arkansas, Missouri, Iowa, Minnesota, Nebraska, Kansas, Oregon, Washington, Montana, North Dakota, South Dakota, Idaho, Wyoming, and parts of Colorado and Nevada, totaling 1,172,000 square miles, and at the same time giving possession of both sides of the Mississippi River, the longest river in the world. This great river drains a territory larger than the combined areas of England, Wales, Scotland, Ireland, France, Spain, Portugal, Germany, Austria, Italy, and Turkey and "discharges 3 times as much water as the St. Lawrence, 25 times as much as the Rhine, and 338 times as much as the Thames." Forty years after the Louisiana purchase the great empire of Texas took her place among the sovereign States of the Union. What a country this one State is! She is vaster in area than England, France, and Wales, all combined; larger than Switzerland, Holland, Denmark, Belgium, and Germany all put together.

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia could all be laid on a map of Texas and still a surface as large as that of South Carolina would be left uncovered.

Then, what must we think of the size of the entire United States? Our country has grown in area from a few hundred thousand square miles she possessed when the battle of Kings

Mountain was fought until she is to-day larger than France, Germany, England, Wales, Scotland, Ireland, Norway, Sweden, Denmark, Italy, Spain, Turkey, Austria-Hungary, Prussia, Greece, Japan, and Belgium all combined. All of these great nations could be laid on a map of the United States and Texas would remain uncovered. And "where on the face of the globe, in all things past or in the present, are such allurements of wealth and happiness to be found as in this mighty region" of the United States? "Where else has nature beckoned with such bountiful hands or smiled so sweet and hospitable a welcome?" Our country is easily capable of sustaining a thousand million souls, and then the population would not be as dense as it is in Massachusetts to-day. Were the United States as thickly settled as Belgium there would be within our mighty borders a population equal to that of the entire world.

Creasy, the author of Fifteen Decisive Battles, says "The ancient Romans boasted, with reason, of the growth of Rome from humble beginnings to the greatest magnitude which the world had ever witnessed, but the citizen of the United States is still more entitled to this praise. In two centuries and a half this country has acquired ampler dominions than Rome gained in ten." "The increase of its strength is unparalleled in rapidity or extent."

When the Constitution was framed steam was unknown, and as late as 1814 the fastest steam vessel traveled only six miles an hour, while to-day there are in the United States enough steam engines to generate 17,000,000,000 horsepower, and ocean liners cross the Atlantic in four and a half days.

In the beginning of the last century there was not a foot of railroad track within our broad domain, while to-day there are more than 200,000 miles of track, or one-half the entire world's trackage, and enough to girdle the earth more than eight times.

The framers of the Constitution knew nothing of electricity; but now it rings bells, heats dwellings, raises elevators, propels street cars, drives railroad trains, runs cotton mills and printing presses, lights our homes, irons our clothes, and whirls us along splendid macadam roads in comfortable automobiles.

During all ages and in all climes under the sun men have longed to fly; and an American citizen now navigates the air like a bird in his wonderful flying machine.

During the last century the farmer, too, has made wonderful progress. Since the invention of the cotton gin our cotton crop has increased from a few bags in 1800 to 12,000,000 bales in 1908. One hundred years ago the wooden plow was the only implement for breaking up the soil, just such a plow as was used in the days of the Bible prophets; while to-day the farmer may proudly ride his plow, while the share sinks deep into the productive soil; and his grain is gathered, bound, thrashed, and measured by wonderful machinery. In the beginning of the last century, "in the heat of midsummer, without protection from the broiling sun, the workingmen of the world, sickle in hand, gathered the harvest, while women crept after them and, kneeling, bound the sheaves."

In those days books were so scarce and dear that illiteracy stalked in every home; while in this enlightened time the poorest may afford a good library and send his little ones to school at least four months in every year.

The farmer nowadays rides in buggies and vehicles that only royalty could afford a hundred years ago. My friends, we should all feel a thrill of patriotic pride as we see our country in the beginning of the twentieth century marching at the front of the world's procession in wealth, agriculture, mining, fisheries, forestry, transportation, education, and discoveries. All these accomplishments have taken place in the space of one short century. We can, indeed, exclaim with Tennyson:

> We are living, we are dwelling
> In a grand and awful time;
> As age on age is telling,
> To be living is sublime.

By means of the telegraph and telephone one may sit at his breakfast table and read of the happenings of yesterday in the remotest parts of earth. The whole world is bound together with 320 cables, which make all nations neighbors. By means of the phonograph one may sit at ease in his home and listen to the voice of a dead friend or hear Madam Melba sing in her grandest operatic style. By means of the wireless telegraph the voyager on the sea no longer fears the terrors of the deep, for help can be called over the winds and the waves and arrive in time for rescue.

One hundred years ago the doctor and the surgeon were almost unknown, while at the present science has advanced so rapidly and wonderfully that parts of the human anatomy may be replaced with animal substitutes, the human system lighted and inspected by electricity and the X ray, and even death itself baffled and often robbed of its victim.

All this wonderful progress, this marvelous growth, these phenomenal inventions and discoveries have taken place in our glorious Republic, whose foundation was laid on this rugged mountain top in the stress and storm of a battle, the anniversary of which this concourse of people are here to commemorate to-day. This, therefore, is holy ground, and on approaching it one should instinctively feel that he should remove his hat and unlatch his shoes, for here took place the decisive battle which sealed the destinies of unborn millions. God bless and keep the spirits of the stainless heroes who here fought and yielded their noble lives in such a country's cause. Brave, simple men! Pure in motive, patriotic in action, gallant in battle, and glorious in death!

This magnificent shaft but feebly expresses our admiration of their deathless deeds; for could the loving and patriotic hearts before me to-day erect a monument in keeping with their sentiments it would rise to the stature of pure gold and pierce the clouds beyond the flight of bird or eagle! But yonder lofty, lonely mountain peak will stand forever as a twin sentinel of this splendid government tribute in granite to point the spot where American liberty first received its full inspiration and drew its first full breath of life.

Let us emulate the lives of these noble men who fought and died and are buried here, by placing our country's cause above every cause save that of God and home! Let us to-day reconsecrate our lives to this beautiful Republic and determine to make the land they won for us a garden of peace, of happiness, and religious liberty.

Buried in rude holes, called graves, the noble dead lie all about us.

> Rest on, embalmed and sainted dead,
> Dear as the lives you gave.
> No impious footsteps here shall tread
> The herbage of your grave.
> Nor shall your glory be forgot
> While fame her record keeps,
> And honor points the hallowed spot
> Where valor proudly sleeps.

Mr. Speaker, before concluding my remarks I wish to advert to a speech put in the RECORD by Hon. JOHN M. MOREHEAD, but which did not appear until after Congress had adjourned,[a] hence not giving his Democratic colleagues an opportunity to answer same on the floor of the House. Mr. MOREHEAD makes a lame effort to answer the splendid speech of Congressman POU. In the beginning of his remarkable production he scores this splendid point:

> I pointed out at that time—May 14, 1910—the progress and prosperity of our whole country in general and in North Carolina in particular. I showed that never before in our history has every class of our citizenship and every section of our country, as a whole, been more prosperous in every way than at the present time.

I wonder if my friend really thinks that the cotton-mill people in North Carolina will accept such absurd statements with one atom of credence. Mr. MOREHEAD knows that the cotton-mill business in his own district never has been in worse condition in the history of the United States than at this present hour. He knows that all over North Carolina there are thousands of cotton-mill operatives, either out of employment absolutely or working on very short time, who are making scarcely enough wages to buy bread, meat, and clothing with which to keep the wolf of hunger and poverty from their door; and yet he tells them that they are all prosperous as never before. He surely thinks that the cotton-mill owners and operatives are a set of ignoramuses.

After making the foregoing statement that "every class of our citizenship and every section of our country was never more prosperous than at the present time," he makes the following remarkable admission:

> I am a cotton-mill man myself, and am no more pleased with the present depression in my business than is any one of the five cotton-mill men quoted by Mr. WEBB.

In one breath he declares that every class of citizen and every part of the country was never more prosperous, and just a little later in the same speech he says that he is not pleased with the present depression in the cotton-mill business. So, in the same speech, he makes one argument kill another. How can intelligent readers accept any of his arguments with any degree of confidence?

After making this admission, that the present depression in the cotton-mill business does not please him, he makes an attempt to show that the cotton-mill business is very prosperous by inserting in his speech an advertisement for one carder and the advertisement of one new mill that is going to start on the struggle for existence some time in the future, and wants enough hands to help it make the start. I guarantee that this mill will not run long if conditions remain as they are at present.

[a] Mr. WEBB'S speech was held for revision and printed in the issue of the RECORD of July 12, 1910.

The following dispatch from Gastonia, N. C., shows that 700,000 spindles or more will soon be idle in the Ninth Congressional District, which I have the honor to represent:

FIFTY-EIGHT COTTON MILLS AGREE TO SHUT DOWN FOR ONE MONTH—NEARLY 700,000 SPINDLES WILL BE IDLE FOR THE PERIOD AND 1,000,000 POUNDS OF YARN AND CLOTHS WILL BE TAKEN OFF THE MARKET WEEKLY—MATTER OF SELF-PROTECTION.

[By Bell Telephone to the Charlotte Observer.]

GASTONIA, *June 25.*[a]

Responding to a movement inaugurated by the Gaston County Spinners' Association representatives of 58 cotton mills met here yesterday afternoon and signed an agreement to shut down for four weeks in July and August.

This plan of curtailment means that between 600,000 and 700,000 spindles will be idle during that period, and that 1,000,000 pounds of yarn and cloths will be taken off the market weekly for a month.

The 58 mills represented are located in Gaston, Mecklenburg, Catawba, Lincoln, and Cleveland counties, this State, and York County, S. C. This radical action was deemed necessary as a matter of self-protection. It is believed that other mills in the State will follow suit, and that the curtailment once generally put into effect will save the situation.

The following dispatch in the Charlotte News from Spartanburg, S. C., explains itself:

CURTAILMENT WILL BE HEAVY.

[By Associated Press.]

SPARTANBURG, S. C., *June 28.*[a]

"There will be the largest curtailment among the cotton mills this summer that has ever been known."

This statement was made by John A. Law, president of the Saxon Mills, when asked if the mills of Spartanburg County would join the curtailment movement that seems to be sweeping the land.

Upon the running of these spindles there are probably more than 10,000 men, women, and children dependent for their daily bread, and this delightful Republican-Morehead-Taft prosperity will soon throw them all out of employment and cast them upon the mercies of the world for a living. Ah! Mr. MOREHEAD, do you think this class of people will listen to your siren song and vote to continue policies that are now about to make them paupers? Here, again, you presume upon their ignorance, but I tell you that with intelligent minds and hungry faces they will meet your party in the coming election and overwhelm you at the polls. Your party has played false with them too often; they have now found you out.

Mr. MOREHEAD inserts a letter in his speech from some unknown person, who says he is from New Jersey, in which letter this unknown gentleman makes the confession that times are hard in the cotton-mill business, and says of the cotton-mill operatives that—

some of them are now saying that McNinch can not help them, and point to the present hard times as a concrete argument.

If Republican Congressmen can help the cotton-mill business, why haven't they done so long ago? They have been in control of the Government for thirteen years, and the cotton-mill business is almost destroyed. Why does not Mr. MOREHEAD do something for the suffering mill people in his own district instead of essaying to come over into the ninth district and advise the cotton-mill people about their business? He has been a Member of Congress for nearly two years, and what has he done to help them?

Mr. MOREHEAD puts another remarkable effusion in his speech in the nature of a letter to which I suppose the writer was ashamed to sign his name, and I do not blame him. My surprise is that Mr. MOREHEAD should put with approval such a letter in his speech. This letter practically charges those cotton mills in our districts that are not running on full time, or that are shut down, with bad management, for the letter contains this language:

Let me say to you, Mr. Lattimore, that the Republican party is not responsible for the mismanagement of the mill business.

Here is another sample of this brilliant letter, which is almost as truthful as Mr. MOREHEAD'S boasted universal prosperity:

But the Republican party, by its policies, has and does provide work for anybody who really wants to work.

Is it any wonder that this brilliant and scintillating gentleman refused to sign his name to a letter containing such statements? By the way, this letter is dated at Henderson, N. C., over in the Fifth Congressional District.

Mr. MOREHEAD says that I overlook the fact, or else I am not frank enough to state, that the high price of raw cotton has caused the "temporary depression" in the cotton-mill business; but I will say to my friend that Mr. WEBB is frank enough to state that in England, where our raw cotton costs from half a cent to a cent per pound more than it does to our own cotton mills, the English spinner and the English operative are prosperous and are running their mills on full time. The cotton-mill operatives in low-tariff England are happy and prosperous, many of them owning their own homes and still more owning stock in the mills in which they work. These operatives are so prosperous that many of them spend portions of the summer at pleasure resorts.

Under Republican policies it has taken the United States sixty years to establish 25,000,000 spindles, although we raise three-fourths of the raw cotton of the world. In England, which country is not blighted by Republican policies, and which does not grow a pound of cotton, 15,000,000 spindles have been installed within the last ten years. Therefore Mr. WEBB is not frank enough to say that the high price of cotton has caused the present cotton-mill panic. Why not say it is the low price of cloth, for the sale of which Republican policies furnish no market?

Mr. MOREHEAD makes another statement, which for veracity is in keeping with his great prosperity claim. He says, in substance, that I am a free-trade Democrat. His only evidence to support this charge is the fact that I voted for free hides; but lo and behold, Mr. MOREHEAD voted for free hides also, and therefore I suppose, by parity of reasoning, he will admit that he is a free-trade Republican. I voted for a duty on lumber, and so did he, and yet he tries to pick a quarrel with me on the tariff question. He says, further, in his speech that the Payne-Aldrich-Smoot tariff bill was not what he would like it to be as respects the cotton schedule as it affects the South; but he voted for it. The bill did not suit me, and I voted against it.

Mr. MOREHEAD has not been a Republican long, but long enough to take up some of the old, thread-bare, worn-out, and discredited Republican arguments. He roundly abuses the Cleveland panic and can not make a speech without harking back seventeen years. From the Republican standpoint Mr. Cleveland must have been an awful man, and yet—would you believe it—my friend MOREHEAD voted for and helped to elect him President of the United States and stuck to him in spite of the Cleveland panic; and it is generally understood that Mr. MOREHEAD deserted the Democratic party because that party would not indorse Mr. Cleveland again. Now he turns around and violently abuses a record that he himself helped to make. "Consistency, thou art a jewel."

Mr. MOREHEAD speaks of low cotton under Cleveland's administration, but he is not frank enough to tell his people that cotton fell to the lowest price in the history of the world in 1898 when McKinley was President, and the Dingley high-protective tariff law was on the statute books. Mr. MOREHEAD is not frank enough to tell the people that during the whole four years of Cleveland's administration cotton brought an average of 7.72 cents per pound, while during McKinley's administration it brought only 7.27 cents, a difference of 45 points more under Cleveland, or $2.25 per bale. Mr. MOREHEAD does not tell the people that during the last two years of Cleveland's administration, under a low tariff, cotton brought an average of 7.68 cents a pound, while under McKinley's first two years, 1897–98, under a high tariff, it brought only an average of 6.47, or a difference of 1.21 per pound, or $6.05 more per bale under Cleveland's administration. Mr. MOREHEAD does not tell the people that the average price of standard sheeting per yard under Cleveland's four years—1893–1897—was 5.55, while under McKinley's four years it was only 5.06, a difference in favor of the despised Cleveland administration of 49 points, or half a cent per yard. Standard prints during the same time brought more than half a cent a yard more under Cleveland's four years than under McKinley's. This is all shown by a government publication which is known as the Statistical Record of the Progress of the United States, and which anyone can secure from the Bureau of Commerce and Labor at Washington.

Mr. MOREHEAD was not frank enough to tell his people that the so-called Cleveland panic came on under Harrison's administration in 1892, when farmers in Kansas were selling their corn for 10 cents per bushel and the Populist party sprang up as a protest against low prices and hard times. He does not tell the people that in 1892, while a Republican was President and the McKinley tariff law was on the statute books, business houses were tumbling in like dead trees falling before a cyclone and that Mr. Harrison's Secretary of the Treasury, Mr. Foster, had already prepared the plates on which to print bonds to secure money to replenish a depleted Treasury. He does not tell the people frankly that when Mr. Cleveland came into office on the 4th of March, 1893, he found around him the raging storm of Republican panic, and he, in order to save his country's credit and pay debts which Republicans had contracted, was compelled to sell bonds which Republicans would have had to sell if Mr. Cleveland had not been elected. How many venomous tongues have denounced this great man for this act! As Mr. MOREHEAD is a new recruit to the Republican party I presume that he has joined in this tirade against one of the country's greatest men. Lifelong Republicans, who are Repub-

[a] Mr. WEBB'S speech was printed in the issue of the RECORD of June 12, 1910.

licans from principle and not for pie, have long since admitted that Mr. Cleveland did right to protect his country's good name. New recruits, however, like Mr. MOREHEAD, must continue the fight against a great Democrat they once supported in order, as they probably think, to make their new-found allies believe them now sincere.

Again, Mr. MOREHEAD is not frank enough to tell his people that the panic of 1892–93, called by him the Cleveland panic, came and went under Republican laws entirely, while there was not a single Democratic law upon the statute books, for the Wilson-Gorman tariff act did not go into effect until August, 1894. If Mr. MOREHEAD wanted to be perfectly frank with the plain, straightforward people of the State why does he conceal these facts from them?

Let me introduce here another remarkable sentence from Mr. MOREHEAD's remarkable production. Here it is:

My friend, the gentleman from the ninth, next turns to attack the attitude of the Republican party in favor of building up our merchant marine by the method known as ship subsidy.

Well, well, well! My friend shows that he is young in the Republican party; in fact, so young that he does not know what his party stands for in regard to a great subject he attempts to discuss. The attitude of the Republican party has never been in favor of building up our merchant marine by ship subsidy; but in 1896, when my friend was a strong Democrat, we find the Republican party declaring in its national convention in favor of "discriminating duties for the upbuilding of a merchant marine." This is the last and only definite declaration of the Republican party in regard to the building up of the merchant marine. At every national convention for the past twelve years the Republicans have overwhelmingly voted down every proposition to indorse ship subsidy, but my friend is such a new recruit to the Republican party that he has probably never attended a single Republican national convention in all his life.

Mr. MOREHEAD with great indignation declares that to give the American citizen a right to buy his ships anywhere he can buy them cheapest and fly on them the American flag would force free trade by allowing him to go abroad and buy a ship built of foreign timber and steel. He declares with dramatic emphasis that every foreigner on earth will applaud that Democratic, un-American doctrine. Here, again, Mr. MOREHEAD shows how ignorant he is of what his party administration stands for, for the mail subvention bill, known as the Humphrey bill, which is now pending in Congress and will come up, no doubt, again next winter, and for which Mr. Taft stands, provides for the very thing which Mr. MOREHEAD so vehemently condemns; that is, that American citizens can buy ships of 2,500 tons burden and upward anywhere on earth they please and fly on them the American flag. Mr. MOREHEAD should study more what his party stands for and interest himself less in political patronage.

Practically every farmers' organization in the United States has declared against ship subsidy, and the great labor organizations of the country have denounced it in strong terms.

I wish to insert the following letter from a prominent cotton-mill man:

HILDEBRAN, N. C., *June 24, 1910.*

Hon. JOHN M. MOREHEAD,
House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter of May 30, addressed to me, has had my very careful consideration, as I have been a silent student of the subjects referred to for several years.

For some time I have been aware of the fact that some of our most progressive manufacturers look upon a high import duty on cotton goods as being of great benefit to southern manufacturers. Never having been able to apply reason and common sense to this view, I am glad of the opportunity to ask you a few questions which seem to me to present great difficulties in reconciling reason with a protective tariff on the class of cotton goods made in the South. I can fully understand how a high tariff made New England "rock ribbed" at the expense of the balance of the country, but this was when there were not enough mills in the country to supply the home markets, and it was necessary to import a certain amount of goods to supply the deficiency at home. And the price paid for these goods in the foreign markets, plus the import duty, fixed the price at which these goods could be sold in the United States. Now, since we have more mills in the United States, and manufacture more goods than can be consumed at home and to keep our mills running, must find a foreign market for a portion of our products. Now can an import duty benefit? Will Mr. McNinch by reason of his alliance with the special interests be able to combine the mills at home so they may sell their products to the home trade at a high price, and the surplus to the foreign markets at a low price, or will Mr. McNinch be sufficiently powerful to compel foreign countries to buy our goods at a high price, notwithstanding they could buy the same goods much cheaper in other countries, not hampered by unjust laws as we are?

Are you sure that your fear of an alliance between New England and the West, to further oppress the South, has not got its foundation in the fact that New England, with her proverbial shrewdness, has seen the West drifting from her pet scheme of protection, it having been declared publicly by Republican politicians in the East that the duty on wheat, corn, and other farm products was put in the tariff for no other purpose than to blind the western farmer into voting the Republican ticket?

Now are you not sure that New England is not trying to blind you with fears of the alliance, and thus get you to help blind the cotton-mill men of the South into voting the Republican ticket, as they have blinded the western farmer for more than thirty years, and thus make up the losses they are sure to sustain in the West?

Why has England for the last few months been buying nearly all the cotton, even at the high prices, and running her mills on full time, and finding a ready market for her manufactured goods, giving regular employment to labor, while the American mills of the South are stopped or running at short time and at a loss, many of our mill villages being in sore distress, notwithstanding that the Republican party guaranteed the full dinner pail and to stay full under a high tariff and a Republican administration?

Why was the year 1895, under the Wilson-Gorman tariff bill and a Democratic administration, one of the most prosperous in the cotton-mill business the South has ever had? And why have the last two years been the most disastrous, though under the highest tariff on cotton goods ever known and a Republican administration? As a number of cotton mills in the South are equipped for making export goods and usually sell their entire products in foreign countries, and as these mills as well as all the other cotton mills of the South must pay a greatly enhanced and fictitious price by reason of a protective tariff on their machinery supplies, oils, etc., and also on the living expenses of their operatives, why is the protective tariff not a great burden to these manufacturers?

Will you name a single mill in the Ninth Congressional District that is selling its goods at a higher price than the markets of the world will command?

Answering the above questions in the light of reason and common sense, why do you ask me to vote for Mr. McNinch?

Hoping you will not think me discourteous in refusing to comply with your request without seeing any reason for so doing, I remain,

Yours, very truly,

M. E. RUDISELL,
General Manager Henry River Manufacturing Company.

Mr. PARKER. I yield control of the time to the gentleman from Virginia [Mr. CARLIN].

The SPEAKER. The gentleman yields control of the time to the gentleman from Virginia.

Mr. CARLIN. Mr. Speaker, I shall not detain the House with any lengthy explanation of this bill. It is perfectly apparent that there is a necessity for this new judge, as shown by the Judiciary Committee in its report, which was almost unanimous as to the necessity for the creation of this circuit judge. There are nine circuit courts of appeal in the United States, every one of them having three judges except this one circuit, which is to-day transacting its business with only two judges, and one of these is a gentleman who is infirm and unable to participate much of the time in the court's proceedings. So we are forced to summon from the district court at every session of the circuit court one or two district judges to sit on the circuit court, thus taking them away from the business of the district court. This unfortunate condition causes a disturbance in the uniformity of decisions of the courts. These district judges come from the various States, and whenever they sit on the circuit court of appeals we find that they are not as familiar with the laws and the regulations of States other than those from which they come as a circuit judge ought to be and is expected to be. There are nearly 6,000,000 people demanding this circuit court judge to-night. We upon this side of the Chamber have just voted to give New York another judge, and the gentleman from North Carolina, who now invokes the rule of economy, was silent when that bill was pending, and when a bill is pending giving his own State an additional circuit judge, takes occasion to inveigh against it.

This bill comes to us by indorsement from the office of the Attorney-General, who has asked that this additional judge be created. Letters come from the present circuit judges asking that they be given relief. There are over eighty cases now pending on the calendar of the circuit because these judges can not do the work that falls upon them. No wonder that the gentleman declaims about the lack of determination, but it is because there is a lack of numbers to bring about the determination.

Mr. GOLDFOGLE. I want to ask the gentleman what he thinks about the condition in New York? He made some reference to New York.

Mr. CARLIN. I voted for your bill. That is what I think about it, and our committee was unanimous in reporting in favor of the additional judge.

Now I yield to the gentleman from West Virginia two minutes.

Mr. HUBBARD of West Virginia. Mr. Speaker, when the act of 1891 was passed, establishing the circuit court of appeals, it was with the expectation that that appellate court would be made up of a justice of the Supreme Court and two circuit judges. For a time the condition of business in the Supreme Court permitted that to be done to some extent, the Chief Justice sometimes sitting in the fourth circuit, to which he is assigned. That, however, has ceased to be the case, and for a long time in the circuit court of appeals in the fourth circuit it has been necessary to have always one district judge on the bench, and often two district judges. Sometimes two district judges must sit in review of a decision made on the circuit by a circuit judge.

That this condition was not contemplated, except as occasional, is shown by the language of the act that—

in case the full court at any time shall not be made up by the attendance of the Chief Justice or Associate Justice of the Supreme Court and the circuit judges, one or more district judges in the circuit shall be competent to sit.

Conditions have so changed that the district judges are constantly, habitually called from their work in their districts. I have a letter from Judge Dayton, of the northern West Virginia district, formerly a member of this House, which touches on this subject. By the way, the business of the federal courts in West Virginia has increased in each district.

There is now twice as much business in each West Virginia district as there is in either of the districts of North Carolina. On the first day of July, 1909, in the circuit and district courts of the two West Virginia districts there were more than 1,800 cases to be disposed of. Judge Dayton, in this letter dated March 10, says: "The term at Richmond, just closed, kept me away from district for forty-two days, disorganized my work here, and piled up my table with cases to consider."

Litigants and the people in both the West Virginia districts are put to much inconvenience by the impossibility of the judges of those districts discharging their duty, in promptly disposing of the business there to be done, because they are drafted for service on the circuit court of appeals, by reason of that court having but two circuit judges.

Mr. CAMPBELL. That is the reason that more cases have not been tried this last year than were tried ten years ago—that the judges of that circuit court can not try the cases that come before them?

Mr. HUBBARD of West Virginia. I will say that the business transacted in the circuit court of appeals for the fourth circuit with two judges, as shown by the figures given in the Attorney-General's report for 1909, equals the average amount transacted in those circuit courts of appeal, which have three judges each. I am speaking of the business in the circuit court of appeals. District judges have been called away from their own work to help produce this result. The statement of the gentleman from North Carolina, which I have not had an opportunity to examine, relates to business in the circuit and district courts.

However, the business done in the circuit court of appeals may be measured, whether by the cases pending or by the cases disposed of, measured in any way, the judges of that court for the fourth circuit have more business to do than some of the other circuit courts of appeal. There is no particular in which the circuit court of appeals of that circuit falls below all the other circuits. Yet of the other circuits four have four judges each and four have three judges each. The fourth circuit has two judges and has only had two judges. It has been deprived of that which was intended to be given it, and its judges have been subjected to an undue pressure of work.

The SPEAKER. The gentleman's time has expired. The question is on the motion to suspend the rules and pass the bill.

The question being taken, on a division (demanded by Mr. CARLIN) there were—ayes 91, noes 96.

Accordingly the motion was rejected.

SEMICENTENNIAL OF NEGRO FREEDOM.

Mr. RODENBERG. Mr. Speaker, I move to suspend the rules and pass House joint resolution 88, creating a commission to investigate and report on the advisability of holding an exposition commemorative of the semicentennial of negro freedom.

The joint resolution was read, as follows:

House joint resolution 88.

Resolved, etc., That the President of the United States be, and he is hereby, authorized to appoint a commission consisting of seven persons to consider carefully whether or not it is advisable to hold an exposition in the United States in the year 1913 to commemorate the fiftieth anniversary of the issuance of the emancipation proclamation granting freedom to the negroes; and that the said commission report to Congress on the first Monday in December, 1910.

SEC. 2. That to enable said commission to carry out the purposes of this act, the sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be expended. The members of said commission shall serve without compensation, but shall be paid their necessary expenses, and disbursements made under this act shall be made by the Secretary of the Treasury on vouchers approved by the chairman of said commission.

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. I demand a second, Mr. Speaker.

The SPEAKER. If there be no objection, a second will be considered as ordered. The gentleman from Illinois [Mr. RODENBERG] is entitled to twenty minutes, and the gentleman from New York [Mr. FITZGERALD] to twenty minutes.

Mr. RODENBERG. Mr. Speaker, this resolution speaks for itself. It was introduced in accordance with the recommendation contained in the President's annual message, in which he asked for authority to appoint a commission, consisting of seven persons, to investigate the question as to whether or not it would be advisable to hold an exposition to commemorate the semicentennial of negro freedom in America. That semicentennial occurs in 1913, and for this reason it is advisable that action should be taken at this session of Congress.

I merely desire to say that since the introduction of this resolution the press of the country, and especially of the Southern States, has been almost unanimous in favor of this proposed exposition. There seems to be a very general sentiment throughout the country in favor of giving the negroes of this Nation an opportunity to show their advance in civilization during the first fifty years of their freedom. This resolution simply provides for the appointment of a commission to collect the necessary data and submit them to the committee, so that intelligent action may be taken by the committee.

Mr. SIMS. Will the gentleman submit to an inquiry?

Mr. RODENBERG. Yes.

Mr. SIMS. Why should Congress have a commission to furnish the evidence upon which Congress shall make up its own mind as to how to vote on this question?

Mr. RODENBERG. I think that is a very proper question. The gentleman, of course, realizes that an exposition of this character differs very materially from other expositions. For instance, if a city like Chicago or St. Louis proposes to hold an exposition it has commercial bodies and business organizations that are able to supply the data to the committee upon which the committee's action can be based. The negroes of this country have no organizations of that kind, and it is important that a special commission should be created consisting of men who are interested in the negro problem who are to secure this data for us, showing the resources and the character of the industrial exposition that is to be held. I do not believe that the committee itself could gather this data. I think it is very important, and I am quite sure it was in the mind of the President when he asked that a commission of this kind be authorized by Congress.

Mr. SIMS. Does the gentleman know of anybody who opposes the negroes having this exposition?

Mr. RODENBERG. I do not.

Mr. SIMS. Then why do we want a commission to advise us as to whether we shall vote for it?

Mr. RODENBERG. There is a question involved as to whether it is advisable to hold the exposition.

Mr. SIMS. Does the gentleman mean that the Government will hold it?

Mr. RODENBERG. No; probably it will be held under government support or auspices before we get through.

Mr. SIMS. Does the gentleman know of anybody that is opposed to the negroes having it?

Mr. RODENBERG. I do not.

Mr. SIMS. Then why do we want to investigate ourselves when nobody is opposed to it?

Mr. RODENBERG. If there is a question involved as to whether it is advisable to hold it.

Mr. SIMS. Does the gentleman mean that the Government is to hold it?

Mr. RODENBERG. No; but it will be held under the government auspices before we get through.

Mr. SIMS. It seems to me that it would be a strange thing to ascertain that which we are all in favor of and spend money to find out if we are in favor of it.

Mr. JAMES. If the gentleman from Tennessee means that we are all in favor of its being held at the Government's expense, he does it without authority, because I am opposed to it.

Mr. RODENBERG. The commission will recommend the place for location and the manner of holding it, and so forth.

Mr. SIMS. Whether the negroes shall hold a celebration of the fiftieth anniversary of their freedom. I do not know anybody that is opposed to it.

Mr. JAMES. They celebrate it every year.

Mr. FITZGERALD. Mr. Speaker, either the party in power has become grossly ignorant or very much demoralized. Every two or three days somebody proposes that a commission be appointed to obtain information to enable the Republican majority to determine whether to do or not to do certain things. First it was proposed to educate the Chief Executive and $250,000 was appropriated so that he might become qualified to recommend certain things to Congress. Then, when somebody suggested that Congress should legislate so as to regulate the issue of stocks and bonds by common carriers engaged in interstate commerce it was suggested that everybody in the majority in control of the Government was so grossly ignorant on the subject that a commission should be created in order to educate them so that they might properly legislate.

There has been some suggestion that a proper celebration be provided to commemorate this event in the history of the negro race. Whether it be the party in power does not care to commit itself one way or the other on this question immediately, or until after election, I do not know. I suppose this commission will be "good enough Morgan" until the next session of Congress; but I am prepared to vote now upon a bill to create or provide for the celebration by the means of a fair or an exposition of this important event in the history of our country. If the gentlemen on that side of the House were equally courageous and frank, instead of having a bill to create a commission they either would have no bill at all or a bill providing for the exposition.

In order to discourage efforts of this character, in order to prevent this new system of evading questions that are coming before the legislative body by shifting the matter past election, on the theory that the majority are so grossly incompetent or grossly ignorant of the facts that it is not able to make up its mind, I hope this commission will not be created.

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

Mr. FITZGERALD. Certainly.

Mr. HARDY. I would like to know if the President has asked for this commission to give information on this question also.

Mr. FITZGERALD. I do not know. I think the President would have well-defined views upon this question. However, the responsibility for legislation is not upon the Chief Executive. If this House wished to initiate legislation providing for an exposition to commemorate this event I believe that the Committee on Industrial Arts and Expositions has not been so crowded with work during this session that it has not been able to give ample time and attention to the matter and report its views in the form of a bill. I reserve the balance of my time.

The SPEAKER. The question is on the motion to suspend the rules and pass the joint resolution.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 176, noes 90.

Mr. RODENBERG. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 88, answered "present" 23, not voting 120, as follows:

YEAS—159.

Ames	Fuller	Küstermann	Pray
Anderson	Gardner, Mich.	Langley	Rauch
Anthony	Gardner, N. J.	Lawrence	Reeder
Austin	Goebel	Lenroot	Reynolds
Barchfeld	Good	Loud	Roberts
Barnard	Graff	Loudenslager	Rodenberg
Bartholdt	Graham, Ill.	Lundin	Rothermel
Bennet, N. Y.	Greene	McCredie	Scott
Burke, Pa.	Griest	McDermott	Sharp
Burke, S. Dak.	Hamer	McKinlay, Cal.	Sheffield
Burleigh	Hamill	McKinley, Ill.	Simmons
Calder	Hamilton	McKinney	Smith, Cal.
Calderhead	Hanna	McLachlan, Cal.	Smith, Mich.
Campbell	Hawley	McLaughlin, Mich.	Southwick
Cassidy	Hayes	Madden	Stafford
Chapman	Heald	Madison	Steenerson
Cole	Higgins	Mann	Sterling
Cooper, Pa.	Hill	Martin, Colo.	Stevens, Minn.
Coudrey	Hinshaw	Miller, Kans.	Sturgiss
Cowles	Hollingsworth	Miller, Minn.	Sulloway
Cox, Ohio	Howell, N. J.	Millington	Sulzer
Creager	Howell, Utah	Moore, Pa.	Swasey
Davis	Howland	Morehead	Taylor, Colo.
Denby	Hubbard, Iowa	Morgan, Mo.	Taylor, Ohio
Denver	Hubbard, W. Va.	Morgan, Okla.	Thistlewood
Diekema	Huff	Morrison	Thomas, Ohio
Dodds	Hull, Iowa	Murdock	Tilson
Driscoll, M. E.	Humphrey, Wash.	Murphy	Tou Velle
Dwight	Johnson, Ohio	Needham	Townsend
Ellis	Joyce	Nelson	Volstead
Elvins	Kahn	Norris	Wanger
Englebright	Keifer	Nye	Washburn
Esch	Kendall	Olcott	Weeks
Estopinal	Kennedy, Iowa	Olmsted	Wheeler
Fairchild	Kennedy, Ohio	Payne	Wiley
Foelker	Kinkaid, Nebr.	Pearre	Wilson, Ill.
Fordney	Kinkead, N. J.	Pickett	Woods, Iowa
Foss, Ill.	Knowland	Plumley	Young, Mich.
Foster, Vt.	Kopp	Poindexter	The Speaker
Foulkrod	Kronmiller	Pratt	

NAYS—88.

Adair	Burnett	Ferris	Hull, Tenn.
Adamson	Byrns	Fitzgerald	James
Aiken	Candler	Floyd, Ark.	Johnson, Ky.
Alexander, Mo.	Carter	Gallagher	Johnson, S. C.
Barnhart	Clark, Fla.	Garner, Tex.	Keliher
Bartlett, Ga.	Clark, Mo.	Gill, Mo.	Lamb
Bartlett, Nev.	Cline	Gordon	Latta
Beall, Tex.	Collier	Hardy	Macon
Bell, Ga.	Cox, Ind.	Hay	Maguire, Nebr.
Boehne	Craig	Heflin	Mays
Booher	Cullop	Helm	Moore, Tex.
Borland	Dent	Henry, Tex.	Moss
Bowers	Dickinson	Hobson	Nicholls
Brantley	Dixon, Ind.	Houston	O'Connell
Burgess	Driscoll, D. A.	Hughes, Ga.	Oldfield
Burleson	Edwards, Ga.	Hughes, N. J.	Page
Palmer, A. M.	Sheppard	Smith, Tex.	Turnbull
Pujo	Sherley	Sparkman	Underwood
Rainey	Sherwood	Spight	Watkins
Richardson	Sims	Stephens, Tex.	Webb
Roddenbery	Sisson	Thomas, Ky.	Wickliffe
Rucker, Mo.	Slayden	Thomas, N. C.	

ANSWERED "PRESENT"—23.

Butler	Grant	Lloyd	Small
Currier	Henry, Conn.	Maynard	Smith, Iowa
Douglas	Korbly	Padgett	Tawney
Foster, Ill.	Lafean	Parker	Tirrell
Goldfogle	Langham	Sabath	Woodyard
Graham, Pa.	Lee	Shackleford	

NOT VOTING—120.

Alexander, N. Y.	Dies	Haugen	Palmer, H. W.
Allen	Draper	Havens	Parsons
Andrus	Durey	Hitchcock	Patterson
Ansberry	Edwards, Ky.	Howard	Peters
Ashbrook	Ellerbe	Hughes, W. Va.	Pou
Barclay	Fassett	Humphreys, Miss.	Prince
Bates	Finley	Jamieson	Randell, Tex.
Bennett, Ky.	Fish	Jones	Ransdell, La.
Bingham	Flood, Va.	Kitchin	Reid
Boutell	Focht	Knapp	Rhinock
Bradley	Fornes	Law	Riordan
Broussard	Foss, Mass.	Legare	Robinson
Brownlow	Fowler	Lever	Rucker, Colo.
Byrd	Gaines	Lindbergh	Saunders
Cantrill	Gardner, Mass.	Lindsay	Slemp
Capron	Garner, Pa.	Livingston	Snapp
Carlin	Garrett	Longworth	Sperry
Cary	Gill, Md.	Lowden	Stanley
Clayton	Gillespie	McCall	Talbott
Cocks, N. Y.	Gillett	McCreary	Taylor, Ala.
Conry	Gilmore	McGuire, Okla.	Tener
Cook	Glass	McHenry	Vreeland
Cooper, Wis.	Godwin	McMorran	Wallace
Covington	Goulden	Malby	Weisse
Cravens	Gregg	Martin, S. Dak.	Willett
Crow	Gronna	Mondell	Wilson, Pa.
Crumpacker	Guernsey	Moon, Pa.	Wood, N. J.
Dalzell	Hamlin	Moon, Tenn.	Young, N. Y.
Davidson	Hammond	Morse	
Dawson	Hardwick	Moxley	
Dickson, Miss.	Harrison	Mudd	

So (two-thirds not having voted in favor thereof) the motion was not agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. PARKER with Mr. CLAYTON.

For the balance of day:

Mr. BOUTELL with Mr. BROUSSARD.

Mr. McCALL with Mr. Foss of Massachusetts.

For this day:

Mr. LOWDEN with Mr. FOSTER of Illinois.

Until noon, June 22:

Mr. PRATT with Mr. COVINGTON.

Until further notice:

Mr. TENER with Mr. STANLEY.

Mr. TAWNEY with Mr. TAYLOR of Alabama.

Mr. PRINCE with Mr. SAUNDERS.

Mr. PARSONS with Mr. SABATH.

Mr. MONDELL with Mr. RUCKER of Colorado.

Mr. MARTIN of South Dakota with Mr. ROBINSON.

Mr. McGUIRE of Oklahoma with Mr. RANDELL of Texas.

Mr. McCREARY with Mr. POU.

Mr. LINDBERGH with Mr. PATTERSON.

Mr. KNAPP with Mr. LIVINGSTON.

Mr. HENRY of Connecticut with Mr. JONES.

Mr. GRANT with Mr. HAMMOND.

Mr. GILLET with Mr. HAMLIN.

Mr. GAINES with Mr. GOLDFOGLE.

Mr. DRAPER with Mr. GLASS.

Mr. DALZELL with Mr. HITCHCOCK.

Mr. CROW with Mr. GILL of Maryland.

Mr. CARY with Mr. GARRETT.

Mr. BENNETT of Kentucky with Mr. ELLERBE.

Mr. McMORRAN with Mr. BYRD.

Mr. WOODYARD with Mr. HARDWICK.

Mr. CRUMPACKER with Mr. SHACKLEFORD.

Mr. BINGHAM with Mr. SMALL.

Mr. TIRRELL with Mr. KITCHEN.

For the session:

Mr. CURRIER with Mr. FINLEY.

The result of the vote was announced as above recorded.

PROHIBITING THE PRINTING OF CERTAIN MATTER ON STAMPED ENVELOPES, ETC.

Mr. STAFFORD. Mr. Speaker, by direction of the Committee on the Post-Office and Post-Roads, I move to suspend the rules and pass the bill H. R. 23098.

The SPEAKER. The gentleman from Wisconsin moves to suspend the rules and pass the following bill, which the Clerk will report.

The Clerk read the bill, as follows:

A bill (H. R. 23098) prohibiting the printing of certain matter on stamped envelopes and the sale thereof.

Be it enacted, etc., That from and after June 30, 1911, it shall be unlawful for the Post-Office Department, or any officer, head of bureau, or chief of division thereof, to print or have printed, or sell or offer to sell, any stamped envelope bearing upon it a printed direction giving the name of any individual, firm, or company, or any number of any post-office box or drawer, or any street number, or the name of any building to which it shall be returned if uncalled for or undelivered: *Provided*, That this shall not apply to those envelopes printed with a return card left blank as to name, address, box, drawer, street number, or building, and which only give the name of the town or city, with the State, District, or Territory.

The SPEAKER. Is a second demanded?

Mr. COX of Ohio. I demand a second.

Mr. STAFFORD. I ask unanimous consent that a second may be considered as ordered.

Mr. GOLDFOGLE. I object.

Mr. COX of Ohio. Mr. Speaker, as the only means of objecting to the consideration of this bill in this way, I object to a second being considered as ordered.

The SPEAKER. The gentleman from Ohio and the gentleman from Wisconsin will take their places as tellers.

The House divided; and the tellers reported—ayes 127, noes 15.

So a second was ordered.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] is entitled to twenty minutes, and the gentleman from Ohio [Mr. Cox] is entitled to twenty minutes.

Mr. STAFFORD. Mr. Speaker, I do not intend to detain the House at this late hour with any extended explanation of this bill. This bill was considered in effect at the time of the consideration of the post-office appropriation bill. Members of the House know its purpose, and so for the purpose of giving the House an opportunity to vote and pass upon it at this time I reserve the balance of my time. [Cries of "Vote!"]

Mr. COX of Ohio. I yield five minutes to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, since I have been a Member of this House I have seen many round robins go through the mails in a hysteric manner, misrepresenting the facts, in order to get some one to write to each Member of the Congress and tell what was supposed to be the feeling of the country in reference to a particular measure. We have had a great many of these things in our committee. I have got stacks of them now that I am storing away as evidence of how easy it is to stir up a sentiment or a feeling or something of the kind that will induce the writing of a letter or the sending of a telegram to a Member of Congress, and which shows on its face that it is inspired, shows often the densest ignorance on the subject, while trying to get some one to frantically urge a Member to vote for a particular bill. This is one of those bills.

I have received letters from home papers urging me to vote for this bill, as all Members of the House have. When I received them I investigated the subject and wrote back and explained it to the country editors in my district. I showed them how hollow a fraud it was to claim that it would make any difference in their living or in their business whether this bill passed or not. Gentlemen from the country press ceased in their endeavors. They ceased in their feeling that the bill was going to take any bread and butter away from them.

Then I got a secondary condition, that stood behind the whole movement, the makers of the envelopes throughout the country, the prosperous gentlemen who had a large business and wanted to increase it at the expense of the people of the United States. Why, Mr. Chairman, the making of stamped envelopes is a government proposition. The Government has always reserved to itself the right to print stamps, and the right to emboss stamps upon the envelope, and dispose of them. It is necessary that this monopoly should exist in the Government, if we are to support our postal system.

By the inventions of more recent years, it is found that they can also print at the same time a return card on the envelope. By that wonderful machine a roll of paper passes through the machine and there comes out of the other end a stamped envelope with the return address printed on it. It costs very little money. It enables the poor man who wants 500 or 1,000 return envelopes with his name printed upon them to get them. They make this man pay more, and these envelope makers are willing to spend their money to stir up this excitement throughout the country to get Members of Congress to vote money out of the pockets of their constituency into the pockets of the envelope makers with the idea that they are helping some one in the locality, when they are not.

Now, Mr. Speaker, I am also informed that this envelope machine takes in the paper at one end and takes the stamps and licks them and sticks them on each envelope as it passes through, and in the same operation a return card is printed on the envelope. These envelope makers can furnish them cheaper than the Government, and through this machine a very great inducement can be made to those who use large quantities of envelopes. Railroad companies use stamped envelopes, where the stamp is licked on in the machine; and now they want to have it done by outside parties, so that they want to get a share of this business.

Has my time expired?

The SPEAKER. The time of the gentleman has expired.

Mr. COX of Ohio. I yield the gentleman more time if he desires it.

Mr. PAYNE. Just a moment more. So they have that monopoly of the business. Now, what is the benefit of this thing to the Government? It encourages people who write letters and who use a few stamped envelopes to have their return cards printed. It saves the work at the dead-letter office, but it does better than this. It does what the United States mail was designed for. It sends a letter quickly to its destination, or it comes back quickly to the writer of the letter that he may furnish a better address, and so it builds up and lifts up the postal service of the United States. Pass this bill and you stop progress. Pass this bill and you do not help any of your local newspapers. Pass this bill and you take the money out of the pockets of your constituents who get these return envelopes, 500 at a time, and compel them to pay more to the envelope makers, who send these round robins, and who have written more insulting letters to Members of Congress than I have ever read from any other of these round robiners on any subject whatever. [Applause.]

Mr. COX of Ohio. Does the gentleman from Wisconsin intend to take any more time?

Mr. STAFFORD. I will reply in one speech.

Mr. COX of Ohio. Mr. Speaker, I want to preface what I have to say to my colleagues on the floor with the statement that the concern which prints the return feature on the stamped envelopes, and the stamped envelopes as well, is located in my home city, in my district. Having made this frank statement, I believe there is particular propriety in telling the truth, disagreeable as it may be to some of my colleagues.

The effort has been made here to convince Congress that the Tou Velle bill would redound to the advantage of the small country printer and country newspaper publisher. I believe the author of that bill is its only sincere supporter. Now, my colleagues know that the small country publisher and the country printer are not able to maintain the most insolent, the most active, and the most insidious lobby that has ever operated in the corridors of this building.

To go back just a moment into the history of this whole matter, for thirty or forty years a certain concern had this contract, and they kept it because of a peculiar provision of the specifications that the paper used for the making of stamped envelopes should be what was known as loft dried. President Roosevelt was the man who disturbed that monopoly, and as a result the contract was given to a concern at Dayton, Ohio, and upon that single contract the Government was saved $300,000. That contract was had, in the first instance, by the envelope trust, and I say to my colleagues on the floor now that it is this same envelope trust which has been maintaining the lobby in the corridors of this House. First of all they called into play a gentleman in Washington, who, by his own statement, has shown in the hearings before the Committee on the Post-Office and Post-Roads that since he was 16 years of age he has wallowed in the favors of government contracts here. I refer to Mr. R. P. Andrews.

Mr. WASHBURN. Mr. Speaker, will the gentleman yield for a moment?

Mr. COX of Ohio. Yes.

Mr. WASHBURN. What do you mean by the envelope trust?

Mr. COX of Ohio. The United States Envelope Company.

Mr. WASHBURN. The United States Envelope Company never had anything to do with the contract for printing government envelopes.

Mr. COX of Ohio. Let me say to the gentleman that I made my statement advisedly. The directors in the concern at Hartford, which had that contract, are the directors in the United States Envelope Company. I procured that statement to-day from the Post-Office Department.

Mr. HENRY of Connecticut. Mr. Speaker——

Mr. COX of Ohio. I decline to yield further.

Mr. HENRY of Connecticut. The gentleman is absolutely mistaken.

Mr. COX of Ohio. I have made my statement. I said that the information was procured at the Post-Office Department.

Mr. WASHBURN. My friend is mistaken, nevertheless.

Mr. COX of Ohio. Be that as it may, I am perfectly frank as to where the information was adduced.

Mr. HENRY of Connecticut. I am with the gentleman's argument.

Mr. COX of Ohio. This same Mr. Andrews, according to the hearings, conceived the notion of arousing the country printers, and he said—I do not read the testimony because it is too late—that he brought it before the association of printers and before the association of country publishers. He has succeeded in convincing the publishers and printers that they would profit by this business if the Government were deprived of the right to print the return feature. In this connection I want to assert the good faith of the printers of the country and the newspaper publishers. But I make the statement this night that inside of two years, if this law should become operative, the printers will in concert assert and vow that this is the most monstrous humbug that was ever brought up on the floor of this House.

Mr. SCOTT. Will the gentleman yield for two or three questions?

Mr. COX of Ohio. Presently. I conceive it to be the business of a Member of this House to attack a popular fallacy. The statement has been made that if the Government gave up that business the country publishers and printers would derive this patronage. In the hearings Mr. Andrews himself said that the United States Envelope Company could print envelopes as low as 10 cents a thousand. The gentleman from Kansas, who seems so insistent now to ask questions, stated in the hearings that in Kansas the country publishers and printers received $1.50 a thousand. It would be just as proper to assert to this House to-night that they ought to return to the old cradle in the gathering of their harvest out there as to return to this old primitive method of printing envelopes.

The facts are that by modern methods of printing envelopes—the modern presses—thousands are printed a minute, and now it is attempted to be thrust into the intelligence of this House that the art of printing should go back so far that the country printer, standing there and picking up an envelope at a time and feeding it into the press, will derive this great amount of business.

As a matter of fact, one of the witnesses at this hearing stated that if the patronage which would be extended to the mercantile company in Dayton by the entire city of Syracuse were apportioned to the printers they would have such a small amount that it could hardly be computed.

I will now yield to the gentleman from Kansas.

Mr. SCOTT. What is the business of the United States Envelope Company; do they manufacture envelopes?

Mr. COX of Ohio. I understand so.

Mr. SCOTT. Do they print those envelopes on small orders?

Mr. COX of Ohio. I do not know whether they print them on small orders or not.

Mr. SCOTT. Do they print them on large orders?

Mr. COX of Ohio. Your friend Mr. Andrews has quoted these prices.

Mr. SCOTT. Do they print them on large orders?

Mr. COX of Ohio. I am simply stating that Mr. Andrews quoted the prices which the United States Envelope Company——

Mr. SCOTT. Does not the gentleman know, as a printer, that no firm operating a machine which, he says, prints envelopes by the very many thousands in an hour, could afford to take the average order of the country merchant or the country doctor or lawyer, which never exceeds 500?

Mr. COX of Ohio. If that is the case, why does the country printer want to get the business?

Mr. SCOTT. Simply because the Government furnishes these 500 envelopes stamped at a trifling cost above the cost of postage. If the Government did not furnish them to the country trade, they would not send to the envelope companies for them.

Mr. COX of Ohio. The answer to your inquiry is so embarrassing to the question that I do not wonder that no serious effort is made to reply to your colleagues on the floor. You make the statement that because of the fact that the mercantile company can print the return envelope cheap that the doctor and the lawyer and all that class of people are not sending them in, that they could not get them in small quantities. If that is the case, how would the situation be improved?

Mr. SCOTT. Just as I have said to the gentleman, they would not be able to get them.

Mr. COX of Ohio. If the gentleman from Kansas insists that his people will pay $1.50 per thousand for the printing of envelopes when, as the evidence shows, they can have envelopes printed for 10 cents per 1,000, then I have no objection to that observation going into the RECORD made by the gentleman from Kansas.

Mr. SCOTT. The firms which print envelopes at 10 cents a thousand do not take orders, I venture to say, for less than 100,000 envelopes. They would not touch an order for 500 envelopes for 5 cents or 1,000 envelopes for 10 cents. They can not print them unless they print them by the tens of thousands, as the gentleman well knows.

Mr. COX of Ohio. You admit, as a Member of this House and as one of the printers in Kansas, that you are willing to subscribe to the proposition that the price your people shall go back to is $1.50 a thousand?

Mr. SCOTT. I am perfectly willing to subscribe to this proposition—that the Government of the United States ought not to enter into a ruinous competition with any private business of the country. [Applause.] That is all there is to it.

Mr. COX of Ohio. Is not it true that these two features are indisputable in connection with this—the Government is deriving a profit from this, and the price will be increased to the consumer in your district. You take the position that the Government should not go into any private business. Did not you vote to put the Government in the postal savings-bank business?

Mr. SCOTT. I did not say the Government should not go into any private business, but I said the Government ought not to enter into ruinous competition with any private business.

Mr. COX of Ohio. Is not the gentleman aware in the last week the banks of the country formed an insurance company guaranteeing deposits, and would you call that ruinous? They are taking measures to preserve their business.

Mr. SCOTT. Then the Government is not ruining their business.

Mr. COX of Ohio. Do you know a printer in your town or in the State of Kansas who contributed one cent to the maintenance of this lobby in Washington?

Mr. SCOTT. I do not; and I do not think the question is at all pertinent.

Mr. COX of Ohio. You know a lobby has been maintained, do you not?

Mr. SCOTT. Certainly, I do.

Mr. COX of Ohio. And that if this is adopted, the country printer is going to be benefited——

Mr. SCOTT. I know all of the correspondence which I personally have had was from the officials of the National Editorial Association, which, the gentleman knows, is an association of small country printers.

Mr. COX of Ohio. Does the gentleman mean to tell me human nature is so constructed in Kansas that people who will not be benefited by this proposition are contributing to the maintenance of this lobby?

Mr. SCOTT. To whom does the gentleman refer when he says people will not be benefited?

Mr. COX of Ohio. You say the country printer and the small newspaper publisher will profit more than anybody else, and yet you deny that they have contributed a penny for the employment of this lobby.

The SPEAKER. The time of the gentleman from Ohio has expired. [Cries of "Vote!"]

Mr. STAFFORD. Mr. Speaker, I beg the indulgence of the House only for a few minutes to dispute some of the charges that have been made by the gentlemen who have spoken in opposition to this proposition. Because the gentleman from Ohio comes from a district where this monopoly, recognized by the Government, is established, does not give him a right to challenge the sincerity of all those who are supporting this proposition. [Applause.] I did not make up my mind in favor of this proposition until I had examined everything on both sides of the question. [Applause.] No country newspaper publisher wrote to me from any rural parts of my district asking me to favor it, and I hope I have established in this House a record after my eight years of service on the Committee on the Post-Office and Post-Roads that I am not swayed by unwarranted sentiment at home in guiding my judgment in regard to bills that are reported from the Committee on the Post-Office and Post-Roads.

Now, Mr. Speaker, I claim that the people of this country who are interested in this proposition have the right of petition. No right is more sacred to the people of this country than that, and if the envelope makers of the country and the printers of the country have seen fit to petition on this subject, on which they are more conversant than any man in the House, no one has the right to object. This is the proposition in a nutshell: That the Government should free itself from this monopoly, and let the users of plain stamped envelopes without the return card get the benefit of the lower price without the expense entailed

by the making of changes in the form required in the printing of the return card on the envelope. This is the proposition that the Government should be relieved of the heavy expense, which is not taken into consideration in having these large orders of return-card envelopes sent through the mails in large quantities, and is not charged up against the expenses of manufacture, but is charged up against the Government in railway mail pay. Now, my fellow-members, I think I have shown the fallacy of the arguments of those on the other side who are not in favor of this proposition.

[Cries of "Vote!"]

Mr. GOLDFOGLE. I ask unanimous consent that the communication I hold in my hand on this subject be printed in the RECORD.

The SPEAKER. Is there objection?

Mr. SULZER. Let us have it read. [Cries of "Regular order!"]

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

Mr. GOLDFOGLE. It is in opposition to this bill.

The communication is as follows:

JUNE 17, 1910.

Hon. HENRY M. GOLDFOGLE,
House of Representatives, Washington, D. C.

DEAR SIR: We understand that efforts will be made during this session to obtain the adoption of a motion by the House to advance out of its order the Tou Velle bill, forbidding the furnishing of government stamped envelopes bearing the name and address of the sender in the printed return card. Such a motion may be offered on Monday, the 20th instant.

On behalf of a large body of the mercantile community, users of these stamped envelopes, we urge you actively to oppose and vote against any such motion.

At the request of its members, this association has opposed the bill for the following reasons:

A stamped envelope is primarily a postage and not a printing, envelope, or paper proposition. The Government properly exercises a monopoly in postage matters and prohibits citizens from making stamps, including the embossing of stamps upon envelopes. By the process of printing the return card in the same operation with the embossing of the stamp, there is an economy of production, which can be conserved to the consumers of stamped envelopes only by having the printing done at the time the stamp is embossed under the government contract. This economy in cost of production, it is alleged by the printers of the country, will range from $1 to $1.50 per thousand. If the Tou Velle bill should prevail this burden would fall most heavily upon the consumers of small quantities—who would have to pay the higher price per thousand for printing—who constitute the great majority of the consumers and who are least able to bear the additional burden.

The practice aimed at in the Tou Velle bill has been in vogue for over a half century, during which time the principal development in the printing, paper, and envelope trades has taken place. Consequently these trades have not been developed on the basis of printing stamped envelopes and therefore there is no effect from the present practice of taking away from these industries any business which has heretofore fallen to them.

The claim was made before the congressional committee that there was no desire on behalf of the supporters of the bill to prohibit or curtail the use of stamped envelopes per se. The practical effect, however, of the Tou Velle bill would be very largely to curtail the use of stamped envelopes my making their use unprofitable and impracticable, owing to the increased cost due to the loss of economy of production and of the additional inconvenience imposed by separate printing.

Yours, very truly,

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By S. C. MEAD, *Secretary.*

The question was taken.

Mr. COX of Ohio. Division, Mr. Speaker.

The House divided; and there were—ayes 192, noes 27.

The SPEAKER. Two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

PUBLIC BUILDINGS BILL.

The SPEAKER. The gentleman from Missouri. [Great applause.]

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 26987.

The SPEAKER. The gentleman from Missouri moves to suspend the rules and pass the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 26987) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for sites or the enlargement thereof, and the erection, enlargement, extension, remodeling, or repair of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site:

United States post-office and court-house at Florence, Ala., $70,000, rfo building only;
United States post-office and court-house at Gadsden, Ala., $85,000;
United States post-office at Talladega, Ala., $15,000;
United States post-office and court-house at Phoenix, Ariz., $30,000;
United States post-office at Cordele, Ga., $17,500;
United States post-office at Dublin, Ga., $6,000;
United States post-office at Griffin, Ga., $10,000, for building only;
United States post-office at Lagrange, Ga., $10,000;
United States post-office at Milledgeville, Ga., $10,000;
United States post-office at Newnan, Ga., $7,500, for building only.
United States post-office at Rome, Ga., $10,000.
United States post-office at Mattoon, Ill., $20,000.
United States post-office at Murphysboro, Ill., $20,000.
United States post-office at Pontiac, Ill., $25,000.
United States post-office at Rock Island, Ill., $45,000.
United States post-office at Bloomington, Ind., $15,000.
United States post-office at Brazil, Ind., $12,000.
United States post-office at Wabash, Ind., $15,000.
United States post-office and court-house at Bowling Green, Ky., $25,000.
United States post-office and court-house at New Orleans, La., $157,000, for building only.
United States post-office and custom-house at Bath, Me., $20,000.
United States post-office at Alpena, Mich., $25,000.
United States post-office at Hillsdale, Mich., $15,000.
United States post-office and internal-revenue office at Faribault, Minn., $20,000.
United States post-office at Maryville, Mo., $20,000.
United States post-office at Keene, N. H., $5,000, for building only.
United States post-office at Asbury Park, N. J., $8,000.
United States post-office at Burlington, N. J., $5,000.
United States post-office at Jersey City, N. J., $100,000: *Provided,* That of this amount not to exceed $66,000, in addition to the unexpended balance of the appropriation heretofore made for site, shall be available for the acquisition of additional ground.
United States post-office and custom-house at Perth Amboy, N. J., $6,000, for retaining wall and other purposes.
United States post-office and court-house at Albuquerque, N. Mex., $20,000, for building only.
United States post-office at Yonkers, N. Y., $35,000.
United States post-office and court-house at Washington, N. C., $30,000.
United States post-office and court-house at Columbus, Ohio, $15,000.
United States post-office and court-house at Youngstown, Ohio, $3,500.
United States post-office and court-house at Oklahoma City, Okla., $130,000: *Provided,* That not to exceed $30,000 shall be available for building and the remainder for the acquisition of additional ground.
United States post-office at Connellsville, Pa., $25,000.
United States post-office and court-house at San Juan, P. R., $125,000, for building only.
United States post-office at Woonsocket, R. I., $20,000.
United States post-office at Gaffney, S. C., $10,000.
United States post-office at Laurens, S. C., $10,000.
United States post-office at Newberry, S. C., $10,000.
United States post-office at Orangeburg, S. C., $10,000.
United States post-office at Union, S. C., $10,000.
United States post-office at Lead, S. Dak., $20,000.
United States post-office and court-house at Sioux Falls, S. Dak., $100,000.
United States post-office at Denison, Tex., $40,000.
United States post-office and custom-house at Eagle Pass, Tex., $25,000.
United States post-office at Wichita Falls, Tex., $25,000.
United States post-office at Barre, Vt., $25,000.
United States post-office at Suffolk, Va., $27,000.
United States post-office and court-house at Charleston, W. Va., $100,000, in addition to $125,000 heretofore authorized.
United States post-office and court-house at Sheridan, Wyo., $7,000.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the enlargement, extension, remodeling, or improvement of the following-named buildings within the respective limits of cost hereby fixed:

United States post-office at Anniston, Ala., $3,200, for continuation of wall, and for other purposes.
United States post-office at Evanston, Ill., $50,000.
United States post-office at New Albany, Ind., $35,000.
United States post-office at Lansing, Mich., $75,000.
United States post-office at Traverse City, Mich., $50,000.
United States custom-house at St. Louis, Mo., $100,000.
United States post-office and court-house at Auburn, N. Y., $50,000.
United States post-office and court-house at Reidsville, N. C., $35,000: *Provided,* That not to exceed $1,000 of this amount shall be available for additional ground.
United States post-office and court-house at Dayton, Ohio, $15,000 for temporary addition: *Provided,* That this amount shall be available from the authorization for site.
United States post-office and court-house at Portsmouth, Ohio, $65,000.
United States post-office and court-house at Guthrie, Okla., $125,000.
United States post-office and court-house at Harrisburg, Pa., $125,000.
United States post-office at Oil City, Pa., $25,000.
United States post-office and custom-house at Bristol, R. I., $20,000.
United States appraisers' stores at Galveston, Tex., $90,000.
United States post-office at Paris, Tex., $100,000, for annex upon ground now owned by the United States.

That the present site in each of the cities heretofore mentioned shall not be enlarged by the acquisition of ground under the provisions of this act unless the Secretary of the Treasury is given specific authority herein to enlarge said sites, and where such authority is given the Secretary is authorized to secure, by purchase, condemnation, or otherwise, such additional ground as he may deem necessary, respectively: *Provided,* That the limits of cost hereinbefore respectively fixed shall include all necessary changes in, alterations and repairs of, the above-named buildings, and of the heating, ventilating, and plumbing systems and elevators therein which may become necessary by reason of or incident to the extension or enlargement of said buildings, or which it may be found expedient or advisable to make to such heating, ventilating, and plumbing systems and elevators because of the enlargement, extension, remodeling, or improving of said buildings; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of said buildings, grounds, and approaches, and the heating, hoisting, plumbing, and ventilating apparatus thereof.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation

of the United States post-office and other governmental offices upon ground now owned by the United States or authorized to be acquired in each of the following cities, respectively, within its respective limit of cost hereby fixed:

United States post-office at Cullman, Ala., $50,000.
United States post-office at Opelika, Ala., $55,000.
United States post-office at Grass Valley, Cal., $55,000.
United States post-office at Greeley, Colo., $75,000.
United States post-office at Grand Junction, Colo., $75,000.
United States post-office and custom-house at Lewes, Del., $40,000.
United States post-office at St. Petersburg, Fla., $55,000.
United States post-office at Bainbridge, Ga., $50,000.
United States post-office at Carrollton, Ga., $45,000.
United States post-office at Cartersville, Ga., $45,000.
United States post-office at Elberton, Ga., $45,000.
United States post-office at Tifton, Ga., $50,000.
United States post-office and court-house at Pocatello, Idaho, $100,000.
United States post-office at Duquoin, Ill., $60,000: *Provided*, That $5,000 of this amount shall be available for additional ground.
United States post-office at Harrisburg, Ill., $60,000.
United States post-office at Rochelle, Ill., $55,000.
United States post-office at South Chicago, Ill., $150,000.
United States post-office at Frankfort, Ind., $70,000.
United States post-office at Denison, Iowa, $50,000.
United States post-office at Fort Madison, Iowa, $65,000.
United States post-office at Iowa Falls, Iowa, $50,000.
United States post-office at Le Mars, Iowa, $50,000.
United States post-office at Red Oak, Iowa, $75,000.
United States post-office at Abilene, Kans., $70,000.
United States post-office at Beloit, Kans., $50,000.
United States post-office at Concordia, Kans., $70,000.
United States post-office at Ottawa, Kans., $65,000.
United States post-office and internal-revenue at Bardstown, Ky., $60,000.
United States post-office and internal-revenue at Cynthiana, Ky., $65,000.
United States post-office at Hopkinsville, Ky., $65,000.
United States post-office and internal-revenue at Lawrenceburg, Ky., $50,000.
United States post-office at Biddeford, Me., $65,000.
United States post-office at Camden, Me., $75,000.
United States post-office at Oldtown, Me., $60,000.
United States post-office at Petosky, Mich., $65,000.
United States post-office at Moorhead, Minn., $50,000.
United States post-office at Laurel, Miss., $60,000.
United States post-office at Boonville, Mo., $50,000.
United States post-office at Chillicothe, Mo., $65,000.
United States post-office at Marshall, Mo., $60,000.
United States post-office at Poplar Bluff, Mo., $65,000.
United States post-office at Rolla, Mo., $50,000.
United States post-office and court-house at McCook, Nebr., $95,000.
United States post-office at Rochester, N. H., $75,000.
United States post-office at Orange, N. J., $100,000.
United States post-office at Cortland, N. Y., $80,000.
United States post-office at Fulton, N. Y., $75,000.
United States post-office at Johnstown, N. Y., $75,000.
United States post-office at Mount Vernon, N. Y., $100,000.
United States post-office and custom-house at North Tonawanda, N. Y., $80,000.
United States post-office at Oneonta, N. Y., $75,000.
United States post-office at Greenville, N. C., $45,000.
United States post-office at Hickory, N. C., $60,000.
United States post-office at Monroe, N. C., $45,000.
United States post-office at Bellefontaine, Ohio, $70,000.
United States post-office at Bowling Green, Ohio, $60,000.
United States post-office at Defiance, Ohio, $65,000.
United States post-office at Wooster, Ohio, $65,000.
United States post-office at Xenia, Ohio, $65,000.
United States post-office at Kingfisher, Okla., $45,000.
United States post-office at Butler, Pa., $75,000.
United States post-office at Corry, Pa., $65,000.
United States post-office, internal-revenue, and National Park Commission at Gettysburg, Pa., $100,000.
United States post-office and internal-revenue at Punxsutawney, Pa., $60,000.
United States post-office at Brookings, S. Dak., $70,000.
United States post-office and land office at Rapid City, S. Dak., $100,000.
United States post-office at Lebanon, Tenn., $50,000.
United States post-office at Morristown, Tenn., $70,000.
United States post-office at Pulaski, Tenn., $50,000.
United States post-office and internal-revenue at Springfield, Tenn., $40,000.
United States post-office at Brownwood, Tex., $70,000.
United States post-office at Clarksville, Tex., $45,000.
United States post-office at Cuero, Tex., $45,000.
United States post-office at Marlin, Tex., $45,000.
United States post-office at Marshall, Tex., $65,000.
United States post-office at Weatherford, Tex., $65,000.
United States post-office at Bennington, Vt., $75,000.
United States post-office at Bedford City, Va., $45,000.
United States post-office at Covington, Va., $45,000.
United States post-office at Wytheville, Va., $60,000.
United States post-office and land office at Olympia, Wash., $100,000.
United States post-office at Grafton, W. Va., $85,000.
United States post-office at Menominee, Wis., $50,000.
United States appraisers' stores at Milwaukee, Wis., $75,000.
United States post-office and internal-revenue at Waukesha, Wis., $75,000.
United States post-office at Casper, Wyo., $55,000.
United States post-office and land office at Douglas, Wyo., $65,000.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post-office and other governmental offices in each of the cities enumerated in this section, within its respective limit of cost, including site, hereby fixed:

United States post-office at Eureka Springs, Ark., $50,000, in addition to $7,500 heretofore authorized for site only.
United States post-office at Newport, Ark., $55,000 and the unexpended balance of the amount heretofore authorized for site at Searcy, Ark.
United States post-office at Berkeley, Cal., $180,000.
United States post-office at Chico, Cal., $100,000.
United States post-office at Hanford, Cal., $75,000.
United States post-office at La Junta, Colo., $50,000: *Provided*, That not to exceed $1 shall be available for the acquisition of a site.
United States post-office at Putnam, Conn., $65,000.
United States post-office at Stamford, Conn., $150,000.
United States post-office at Palatka, Fla., $60,000.
United States post-office at Quitman, Ga., $50,000.
United States post-office and forest service at Idaho Falls, Idaho, $100,000.
United States post-office at Beardstown, Ill., $55,000.
United States post-office at Blue Island, Ill., $70,000.
United States post-office at Canton, Ill., $85,000.
United States post-office at Collinsville, Ill., $70,000.
United States post-office at Edwardsville, Ill., $70,000.
United States post-office at Macomb, Ill., $70,000.
United States post-office at Mount Vernon, Ill., $75,000.
United States post-office at Princeton, Ill., $70,000.
United States post-office at Sycamore, Ill., $60,000.
United States post-office at Urbana, Ill., $80,000.
United States post-office at Gary, Ind., $100,000.
United States post-office at Mishawaka, Ind., $75,000.
United States post-office at Newcastle, Ind., $75,000.
United States post-office at Portland, Ind., $60,000.
United States post-office at Seymour, Ind., $60,000.
United States post-office at Perry, Iowa, $60,000.
United States post-office at Arkansas City, Kans., $75,000.
United States post-office at Garden City, Kans., $60,000.
United States post-office at McPherson, Kans., $50,000.
United States post-office at Osage City, Kans., $50,000.
United States post-office at Fulton, Ky., $50,000.
United States post-office at Georgetown, Ky., $60,000.
United States post-office and court-house at Jackson, Ky., $100,000.
United States post-office at Middlesboro, Ky., $60,000.
United States post-office at Jennings, La., $50,000.
United States post-office and internal-revenue at Lafayette, La., $60,000, in addition to $5,000 heretofore authorized for site.
United States post-office at Gardiner, Me., $90,000, in addition to $15,000 heretofore authorized for site.
United States post-office at Greenfield, Mass., $100,000.
United States post-office at North Attleboro, Mass., $70,000.
United States post-office at Waltham, Mass., $115,000.
United States post-office at Albion, Mich., $70,000.
United States post-office at Cadillac, Mich., $75,000.
United States post-office at Holland, Mich., $80,000.
United States post-office at Ishpeming, Mich., $75,000: *Provided*, That the Secretary of the Treasury may, in his discretion, accept a title which reserves or excepts all ores and minerals on the lands with the right to mine the same, in order to insure the acquisition of a site and the erection of a suitable building thereon within the limit of cost herein fixed.
United States post-office at Three Rivers, Mich., $60,000.
United States post-office at Ypsilanti, Mich., $75,000.
United States post-office at Lake City, Minn., $55,000.
United States post-office at Owatonna, Minn., $58,000.
United States post-office at Canton, Miss., $50,000.
United States post-office at Clarksdale, Miss., $60,000.
United States post-office at Grenada, Miss., $50,000.
United States post-office at Tupelo, Miss., $50,000.
United States post-office at De Soto, Mo., $60,000.
United States post-office at Excelsior Springs, Mo., $60,000.
United States post-office at Fulton, Mo., $60,000.
United States post-office at Webb City, Mo., $70,000.
United States post-office and land office at Miles City, Mont., $75,000.
United States post-office at Long Branch, N. J., $125,000.
United States post-office at Millville, N. J., $55,000.
United States post-office at Glens Falls, N. Y., $100,000.
United States post-office at Gouverneur, N. Y., $70,000.
United States post-office at New Rochelle, N. Y., $125,000.
United States post-office at Port Jervis, N. Y., $80,000.
United States post-office at Hendersonville, N. C., $70,000.
United States post-office at Rocky Mount, N. C., $70,000.
United States post-office at Tarboro, N. C., $50,000.
United States post-office and court-house at Wilkesboro, N. C., $60,000.
United States post-office at Mandan, N. Dak., $55,000.
United States post-office and land office at Williston, N. Dak., $100,000.
United States post-office at Cambridge, Ohio, $75,000, in addition to $10,000 heretofore authorized for site.
United States post-office at Piqua, Ohio, $100,000.
United States post-office at Salem, Ohio, $85,000.
United States post-office at Steubenville, Ohio, $100,000, in addition to $20,000 heretofore authorized for site.
United States post-office at Tiffin, Ohio, $85,000, in addition to $12,500 heretofore authorized for site.
United States post-office and court-house at Ardmore, Okla., $150,000.
United States post-office at Blackwell, Okla., $50,000.
United States post-office and land office at El Reno, Okla., $100,000.
United States post-office and court-house at Lawton, Okla., $152,300, in addition to the amounts heretofore authorized under the provisions of section 30 of the act approved May 29, 1908, and section 16 of the act approved March 4, 1909.
United States post-office and court-house at Medford, Oreg., $110,000.
United States post-office and land office at The Dalles, Oreg., $80,000.
United States post-office at Bedford, Pa., $80,000.
United States post-office at Carnegie, Pa., $80,000.
United States post-office at East Pittsburg, Pa., $100,000.
United States post-office at Hanover, Pa., $100,000.
United States post-office at Huntingdon, Pa., $80,000.
United States post-office at Monongahela, Pa., $80,000.
United States post-office at Narragansett Pier, R. I., $50,000.
United States post-office at Bennettsville, S. C., $50,000.
United States post-office at Camden, S. C., $50,000.
United States post-office at Fayetteville, Tenn., $50,000.
United States post-office at Winchester, Tenn., $55,000.
United States post-office at Bryan, Tex., $50,000.
United States post-office at Ennis, Tex., $50,000.
United States post-office at Longview, Tex., $50,000.
United States post-office at Uvalde, Tex., $50,000.
United States post-office at Brigham City, Utah, $35,000.
United States post-office at Hampton, Va., $80,000.
United States post-office at Sparta, Wis., $60,000.

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or other-

wise, a suitable site for the United States post-office and other governmental offices in each of the cities enumerated in this section within its respective limit of cost hereby fixed:

United States post-office only at Birmingham, Ala., $200,000.
United States post-office at Jasper, Ala., $5,000.
United States post-office at Douglas, Ariz., $15,000.
United States post-office and court-house at Globe, Ariz., $15,000.
United States post-office and court-house at Tucson, Ariz., $15,000.
United States post-office at Arkadelphia, Ark., $5,000.
United States post-office at Fordyce, Ark., $5,000.
United States post-office at Mena, Ark., $5,000.
United States post-office at Bakersfield, Cal., $20,000.
United States post-office at Long Beach, Cal., $40,000.
United States post-office at San Bernardino, Cal., $20,000.
United States post-office at Manchester, Conn., $15,000.
United States post-office at Middletown, Conn., $30,000: *Provided*, That the Secretary of the Treasury may, in his discretion, disregard the provision regarding the open space for fire protection.
United States post-office at Naugatuck, Conn., $15,000, in addition to $15,000 heretofore authorized.
United States post-office and court-house at New Haven, Conn., $125,000.
United States post-office at Rockville, Conn., $20,000.
United States post-office at De Land, Fla., $5,000.
United States post-office at Orlando, Fla., $5,000.
United States post-office at Barnesville, Ga., $5,000.
United States post-office at Statesville, Ga., $7,500.
United States post-office at Twin Falls, Idaho, $10,000.
United States post-office at Chicago, Ill., $500,000, in addition to $1,250,000 heretofore authorized.
United States post-office at Cicero, Ill., $7,000.
United States post-office at Savanna, Ill., $5,000.
United States post-office at Taylorville, Ill., $15,000.
United States post-office at Huntington, Ind., $20,000.
United States post-office at Mount Vernon, Ind., $7,500.
United States post-office at Washington, Ind., $10,000.
United States post-office at Charles City, Iowa, $10,000.
United States post-office at Grinnell, Iowa, $8,000.
United States post-office at Maquoketa, Iowa, $5,000.
United States post-office at Washington, Iowa, $10,000.
United States post-office at Hiawatha, Kans., $7,500.
United States post-office at Holton, Kans., $7,500.
United States post-office at Ashland, Ky., $8,000, in addition to $12,000 heretofore authorized.
United States post-office at Shelbyville, Ky., $10,000.
United States post-office at Hammond, La., $5,000.
United States post-office at Caribou, Me., $10,000.
United States post-office at Hallowell, Me., $20,000.
United States post-office at Rumford Falls, in the town of Rumford, Me., $10,000.
United States post-office at Skowhegan, Me., $20,000.
United States immigrant station at Baltimore, Md., $30,000.
United States post-office at Frederick, Md., $25,000.
United States post-office at Newburyport, Mass., $25,000.
United States post-office at Reading, Mass., $10,000.
United States post-office at Ann Arbor, Mich., $7,000, and the unexpended balance of the amount heretofore authorized for building; all to be available for the acquisition of additional ground.
United States post-office at Dowagiac, Mich., $10,000.
United States post-office at Anoka, Minn., $5,000.
United States post-office and court-house at Duluth, Minn., $95,000, for additional ground.
United States post-office at Little Falls, Minn., $5,000.
United States post-office at Montevideo, Minn., $5,000.
United States post-office at Holly Springs, Miss., $5,000.
United States post-office at McComb, Miss., $5,000.
United States subtreasury at St. Louis, Mo., $300,000.
United States post-office and land-office at Kalispell, Mont., $15,000.
United States post-office at Alliance, Nebr., $15,000.
United States post-office at Aurora, Nebr., $6,000.
United States post-office at Beatrice, Nebr., $12,000, for additional ground.
United States post-office at Falls City, Nebr., $6,000.
United States post-office at Berlin, N. H., $15,000.
United States post-office at Laconia, N. H., $15,000.
United States post-office at Bayonne, N. J., $25,000.
United States post-office at East Orange, N. J., $60,000.
United States post-office at Hackensack, N. J., $25,000.
United States post-office at Red Bank, N. J., $25,000.
United States post-office at Woodbury, N. J., $15,000.
United States post-office and court-house at Las Cruces, N. Mex., $15,000.
United States post-office and court-house at Las Vegas, N. Mex., $15,000.
United States post-office at Bronx, N. Y., $125,000, in addition to $100,000 heretofore authorized.
United States post-office at Dunkirk, N. Y., $20,000.
United States post-office at Syracuse, N. Y., $100,000, in addition to $225,000 heretofore authorized.
United States post-office at Utica, N. Y., $100,000.
United States post-office at Waterloo, N. Y., $11,000, in addition to the amounts heretofore authorized.
United States post-office at Lumberton, N. C., $5,000.
United States post-office at Waynesville, N. C., $7,500.
United States post-office at Dickinson, N. Dak., $10,000.
United States post-office at Jamestown, N. Dak., $10,000.
United States post-office at Valley City, N. Dak., $10,000.
United States post-office at Ashland, Ohio, $15,000.
United States post-office at Bellaire, Ohio, $10,000, in addition to $20,000 heretofore authorized.
United States post-office at Conneaut, Ohio, $15,000.
United States post-office at Elyria, Ohio, $25,000.
United States post-office and internal revenue at Fremont, Ohio, $15,000.
United States post-office at Jackson, Ohio, $7,500.
United States post-office at Logan, Ohio, $15,000.
United States post-office at Niles, Ohio, $15,000.
United States post-office at Sidney, Ohio, $20,000.
United States post-office at Urbana, Ohio, $15,000.
United States post-office and land office at Roseburg, Oreg., $10,000.
United States post-office at Bethlehem, Pa., $20,000.
United States post-office at Lancaster, Pa., $40,000, for additional ground.
United States post-office at Media, Pa., $10,000.
United States post-office at Pottstown, Pa., $25,000.
United States post-office at Tarentum, Pa., $20,000.
United States post-office at Titusville, Pa., $5,000.
United States post-office at Columbia, S. C., $75,000.
United States post-office at Marion, S. C., $7,500.
United States post-office at Humboldt, Tenn., $5,000.
United States post-office at Jellico, Tenn., $6,500.
United States post-office at Belton, Tex., $5,000.
United States post-office at El Paso, Tex., $60,000.
United States post-office at Huntsville, Tex., $5,000.
United States post-office at Yoakum, Tex., $5,000.
United States post-office at Franklin, Va., $5,000.
United States post-office at Pulaski, Va., $5,000.
United States post-office at South Boston, Va., $5,000.
United States post-office at Warrenton, Va., $12,000.
United States post-office at Aberdeen, Wash., $12,500.
United States post-office only at Seattle, Wash., $200,000.
United States post-office and land office at Vancouver, Wash., $12,500.
United States post-office and court-house at Huntington, W. Va., $25,000, for additional ground.
United States post-office at Moundsville, W. Va., $15,000.
United States post-office and court-house at Parkersburg, W. Va., $20,000, for additional ground, in addition to $35,000 heretofore authorized.
United States post-office at Wellsburg, W. Va., $10,000.
United States post-office at Williamson, W. Va., $7,500.
United States post-office at Antigo, Wis., $10,000.
United States post-office at Fort Atkinson, Wis., $10,000.
United States post-office at Monroe, Wis., $7,500.
United States post-office at Neenah, Wis., $7,500.
United States post-office at Waupun, Wis., $5,000.

SEC. 6. That for the purpose of beginning the construction of a suitable and adequate fireproof addition to the present federal building and the acquisition of additional ground for the accommodation of the United States post-office and other governmental offices at Winston-Salem, N. C., $50,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said enlargement and additional ground at the sum hereby named, but the enlargement hereby provided for shall be constructed or planned so as to cost, complete, including fireproof valuts, heating and ventilating apparatus, and additional ground, not exceeding $250,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, said additional ground and to enter into contracts for the construction of said enlargement within the ultimate limit of cost herein fixed: *Provided*, That of the said amount fixed as the ultimate limit of cost not to exceed $50,000 may be expended during the fiscal year ending June 30, 1911.

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the enlargement, extension, remodeling, or improvement, upon the present site, of the United States post-office and court-house at Charlotte, N. C., so as to provide additional and necessary accommodations for the United States post-office, United States courts, and other governmental offices, at a limit of cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, not exceeding $250,000: *Provided*, That of the said amount fixed as the ultimate limit of cost not to exceed $50,000 may be expended during the fiscal year ending June 30, 1911.

SEC. 8. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office at Austin, Tex., $250,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding $210,000.

The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes within the ultimate limit of cost above mentioned.

SEC. 9. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States courts, and other governmental offices at Dayton, Ohio, $25,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding $500,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said department, within the ultimate limit of cost above mentioned.

SEC. 10. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States subtreasury at San Francisco, Cal., $25,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding $500,000.

That section 12 of the Act of March 4, 1909, is hereby so far amended as to require that payment for grading, paving, and improving the alley therein mentioned be made from the appropriation for the subtreasury building at San Francisco in lieu of the appropriation for "Repairs and preservation of public buildings."

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purpose within the ultimate limit of cost above mentioned.

SEC. 11. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States courts, and other governmental offices at Augusta, Ga., $25,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding $250,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable

building for said purpose within the ultimate limit of cost above mentioned.

SEC. 12. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office and other governmental offices at Pasadena, Cal., $25,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding $200,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purpose within the ultimate limit of cost above mentioned.

SEC. 13. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office and other governmental offices at New Bedford, Mass., $25,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding $225,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purpose within the ultimate limit of cost above mentioned.

SEC. 14. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office and other governmental offices at Mobile, Ala., $25,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding $225,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purpose within the ultimate limit of cost above mentioned.

SEC. 15. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United State post-office, United States custom-house, United States courts, and other governmental offices at Hilo, Hawaii, $25,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum herein named, but the building herein providedfor shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding $200,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said department, within the ultimate limit of cost above mentioned.

That the block of land described in an act entitled "An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii," approved June 19, 1906, shall be divided into two blocks by a street 56 feet wide, running from Waianuenue street to Wailuku street, and parallel with Pitman and Bridge streets, the westerly side of which new street shall be 195.58 feet from Pitman street, measured on the northerly boundary of Waianuenue street. The block on the westerly side of said new street shall be reserved for the site of said building; the other block, excepting the part thereof deeded to the Hilo Masonic Association, is hereby restored to its status as a part of the public land of Hawaii; and this authorization and appropriation shall not be effective or available until provision shall have been made, to the satisfaction of the Secretary of the Treasury and without cost to the United States, for the construction of said new street and the cancellation of the outstanding lease on said westerly block.

SEC. 16. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional ground for the enlargement of the present site for the use and accommodation of United States post-office, United States custom-house, and other governmental offices at Honolulu, Territory of Hawaii, at a cost not to exceed $350,000; said sum of $350,000 shall be available from the amounts heretofore authorized for the acquisition of a site and the erection of a suitable building at Honolulu.

SEC. 17. That the limit of cost heretofore fixed for the erection of a post-office building in the city of Minneapolis, in the State of Minnesota, be, and the same is hereby, increased by $200,000: *Provided*, That the increase of $200,000 herein provided shall not become available until the amount heretofore authorized shall have been appropriated.

SEC. 18. That the limit of cost heretofore fixed for the erection of a suitable building for the accommodation of the United States post-office, United States courts, and other governmental offices at Muskogee, Okla., be, and the same is hereby, increased by $360,000: *Provided*, That the increase of $360,000 herein provided for shall not become available until the amount heretofore authorized shall have been appropriated.

SEC. 19. That the Secretary of War be, and he is hereby, authorized and directed to cause to be erected, upon the site heretofore designated, a suitable additional building or shed for the use and accommodation of the United States postal service at Jefferson Barracks, Mo., at a limit of cost not to exceed the amount of the unexpended balance remaining from the $15,000 authorized under the provisions of section 5 of the act approved June 30, 1906.

SEC. 20. That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept for the United States, by donation, without expense to the United States, a suitable site for the use and accommodation of the United States post-office and other governmental offices at Minden, La.

SEC. 21. That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell the old custom-house, and the site thereof, in the city of Newburyport, Mass., at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be for the best interests of the United States, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt.

SEC. 22. That the Secretary of the Treasury and the Postmaster-General of the United States shall cause to be examined the situation in the city of Oneida, N. Y., with reference to the erection of a suitable building for the accommodation of the United States post-office and other governmental offices, and to report to the Congress at its next session the result of such investigation, together with suitable recommendations as to the probable cost of a suitable site and a building adequate for all governmental purposes, and such other facts as they may deem necessary for the information of Congress.

SEC. 23. That the Secretary of the Treasury be, and he is hereby, authorized and directed to grant permission for the erection of a monument upon government ground adjacent to the United States post-office building at Granite City, Ill.; said monument to be erected by the city in honor of the founder of Granite City, and without expense to the United States.

SEC. 24. That of the amount heretofore authorized for the enlargement, extension, and remodeling or improvement of the United States post-office building at Reading, Pa., so much as may be necessary shall be available for the acquisition of additional ground.

SEC. 25. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the erection and completion of a suitable fireproof building or buildings for a post-office and other purposes of the postal service, on square No. 678, now owned by the United States, in the city of Washington, D. C.

That the building or buildings shall be constructed on plans and estimates to be approved by a board to consist of the President, the Postmaster-General, and the Secretary of the Treasury, and shall be so constructed as to cost, complete, with approaches, heating apparatus, mechanical equipment, machinery and mechanical appliances for handling mail, vaults, etc., not to exceed the sum of $3,000,000, and of this authorization there shall be available an amount not to exceed $200,000 during the fiscal year ending June 30, 1911.

That the Secretary of the Treasury is hereby further authorized, without regard to civil-service laws, rules, or regulations, to secure such special architectural, engineering, or other expert technical services as he may deem necessary and specially order in writing, to serve either within or without the District of Columbia, to assist in the preparation of the designs, plans, drawings, specifications, and estimates, and the changes and modifications thereof, for said building or buildings and the mechanical equipment, machinery and mechanical appliances for handling mail, lighting system and fixtures, and vaults, and to pay for such services at such prices or rates of compensation as he may consider just and reasonable, from the appropriation for said building or buildings, any statute to the contrary notwithstanding: *Provided*, That expenditures under the foregoing authorization for securing specially qualified persons to assist the Secretary of the Treasury, together with any expenditures heretofore made for plans, designs, etc., for said building or buildings, shall not exceed in the aggregate 4 per cent of the limit of cost of said building or buildings, and shall be in addition to and independent of the authorizations and appropriations for personal services for the office of the Supervising Architect otherwise made: *Provided further*, That the building or buildings shall be constructed under the supervision of the Secretary of the Treasury as other public buildings are constructed.

SEC. 26. That the Secretary of the Treasury be, and he is hereby, authorized and directed to prepare designs and estimates for a separate fireproof building for each of the Departments of State, Justice, and Commerce and Labor, to be erected upon land acquired for sites thereof in the city of Washington, D. C., at a total limit of cost not to exceed $8,000,000; but no part of this amount is authorized to be appropriated by this act except as hereinafter provided. Such designs and estimates shall be approved by a board consisting of the President, the Secretary of the Treasury, and the head of the respective executive department for the use of which such building is to be constructed, and an appropriation is hereby authorized for carrying out the purposes of this section of not to exceed $200,000.

That the Secretary of the Treasury be, and he is hereby, further authorized, without regard to civil-service laws, rules, or regulations, to secure such special architectural, engineering, or other expert technical services as he may deem necessary and specially order in writing, to serve either within or without the District of Columbia, to assist in the preparation of designs and estimates, and to pay for such services at such prices or rates of compensation as he may consider just and reasonable from the appropriation herein authorized, any statute to the contrary notwithstanding: *Provided*, That the foregoing authorization for securing the services of specially qualified persons shall be in addition to and independent of the authorizations and appropriations for personal services for the office of the Supervising Architect otherwise made.

SEC. 27. That the Secretary of the Treasury be, and he is hereby, authorized and directed to prepare designs and estimates for a fireproof building of modern office-building type of architecture to be erected on square No. 143, in the city of Washington, D. C., now owned by the United States, which building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, to cost not exceeding $2,500,000, and to be designed and constructed of sufficient area and capacity to occupy all of said square as a building site, and to afford, when completed, office accommodations for the entire organization at Washington of the office of the Geological Survey, office of Indian Affairs, office of the Reclamation Service, the General Land Office, and the Bureau of Mines; and such designs and estimates shall be approved by a board consisting of the Secretary of the Interior, the Secretary of the Treasury, and the Superintendent of the Capitol Buildings and Grounds: *Provided*, That no part of the amount heretofore mentioned as the limit of cost is authorized to be appropriated by this act except for the preparation of designs and estimates. And so much as may be necessary of the unexpended balance of the amount heretofore authorized for the acquisition of said site shall be available for the preparation of designs and estimates: *Provided further*, That the foregoing authorization shall be in addition to and independent of the authorizations and appropriations for personal services for the office of the Supervising Architect otherwise made.

SEC. 28. That section 3734 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3734. And hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor; and no money shall be expended upon any public building until after sketch plans showing the tentative design and arrangement of such building, together with outline description and detailed estimates of the cost thereof shall have been made by the Supervising Architect of the Treasury Department (except when otherwise authorized by law) and said sketch plans and estimates shall have been approved by the Secretary of the Treasury and the head of each executive department who will have officials located in such building; but such approval shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction or cost which may be found necessary or advantageous: *Provided*, That no such changes shall be made involving an expense in excess of the limit of cost fixed or extended by Congress, and all appropriations made for the construction of such building shall be expended within the limit of cost so fixed or extended."

SEC. 29. That hereafter the Secretary of the Treasury be, and he is hereby, authorized to enter into contracts for the full architectural services of the successful architect in any competition held under the

provisions of the act of February 20, 1893, and to compensate him for his services from the appropriation for "general expenses of public buildings" available at the time payment for the particular services rendered is due.

SEC. 30. That hereafter the Secretary of the Treasury may, in his discretion, upon the request of the head of any other executive department, or establishment of the Government not under any executive department, cause the plans, drawings, designs, specifications, and estimates to be prepared in the office of the Supervising Architect, for any building or buildings for governmental purposes which the head of any other executive department or establishment not under an executive department may be authorized to have constructed: *Provided*, That the proper appropriations for the support and maintenance of the office of the Supervising Architect be reimbursed for the cost of such work.

SEC. 31. That the Secretary of the Treasury shall require all owners or agents of sites in each city mentioned in this act, where sites or additions to sites are to be purchased, to submit offers of sale in writing. And in case a site or addition to a site acquired under the provisions of this act contains a building or buildings, the Secretary of the Treasury is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, or the land on which the same may be located, where the buildings are reserved by the vendors, at a fair rental value, the proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress annually: *Provided*, That each site selected under the provisions of this act shall be bounded upon at least two sides by streets, unless otherwise specifically provided.

SEC. 32. That proposals for the sale of land suitable for all sites, or additions to sites, provided for in this act, respectively, shall be invited by public advertisement in one of the newspapers of largest circulation of said cities, respectively, for at least twenty days prior to the date specified in said advertisement for the opening of said proposals. Proposals made in response to said advertisement shall be mailed and addressed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

SEC. 33. That all buildings authorized to be constructed, enlarged, or extended under the provisions of this act shall, unless otherwise provided herein, be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys: *Provided*, That in exceptional cases and for good cause shown the Secretary of the Treasury may, in his discretion, reduce the open space to less than 40 feet and to any dimensions which he shall deem sufficient to afford fire protection.

SEC. 34. That Congress reserves the right to alter, amend, or repeal this act.

SEC. 35. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. SIMS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Missouri is entitled to twenty minutes, and the gentleman from Tennessee is entitled to twenty minutes. [Cries of "Vote!" "Vote!"]

Mr. SIMS. I want to hear the gentleman explain his bill. He has a right to explain it, and I want to hear him.

Mr. BARTHOLDT. Mr. Speaker, it is not my intention at this late hour to detain the House with any remarks of mine, but I should like to ask unanimous consent to print in the RECORD a statement in explanation of this bill. [Loud applause.]

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

Mr. BARTHOLDT. I should also like to ask unanimous consent that every other Member of the House who wishes to speak upon the subject may have leave to extend his remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. SHERLEY. I object.

Mr. FITZGERALD. I ask that the vote be taken after we have an opportunity to read the explanation.

The SPEAKER. Is there objection to the latter request?

Mr. SHERLEY. I object. [Cries of "Vote!"]

Mr. BARTHOLDT. I reserve the balance of my time.

Mr. SIMS. Mr. Speaker, I do not know anything about this bill. [Laughter and applause.] I notice that people who tell the truth get applause. [Laughter.] Now, further, Mr. Speaker, I know perhaps about as much about it as any gentleman of the House except members of the committee.

I have not the slightest reflection to cast upon the committee. It is a very painstaking committee. I have had occasion to go before it myself, and I know it is a good committee. I have got as much confidence in it as I have in any other committee, but, Mr. Speaker, I want to warn the House at a time when I am entirely disinterested, when there is absolutely no project in the bill in my district and I have not the slightest local interest in it. I carried a little matter there and asked them to consider it. They heard me and when I got through with my speech I saw that several on the committee were shedding tears, but they said they could not, on account of the rule they had established, give me a building at Huntington, Tenn.

But, Mr. Speaker, I want to call the attention of the country to the fact that we are running wild on omnibus appropriation bills. When I first came to this House, I remember very well that when a public-building bill was brought before the House by Chairman Mercer that every item was a separate bill, each item was considered separately and we could vote down one item and not involve another, and we could amend by increasing or decreasing, and the House took the responsibility. [Cries of "Vote!" "Vote!" "Vote!"]

I am surprised that twenty-odd millions of dollars involved in this bill can not keep you awake a few minutes. But after that we fell into the habit of making appropriations of a vast number of items in omnibus form. [Applause.] I ask for order, Mr. Speaker. I appreciate applause as much as anybody [applause] if I am justly entitled to it, but at this time I want to waive it. [Cries of "Vote!" "Vote!"] Here are appropriations and authorizations for millions of dollars to be spent in the District of Columbia, and outside of the committee there is not a man in this House who knows anything about it. Why should we abdicate our right and duty to legislate with deliberation? Why, Mr. Speaker, we might just as well take the great Appropriations Committee, whose chairman is the gentleman from Minnesota—a committee composed of as able men as are in this House—and let them move to suspend the rules and pass appropriation bills. It is just as safe to allow the chairman of the Committee on Appropriations to come in here and move to suspend the rules and pass appropriation bills without amendment as it is an appropriation for public buildings and rivers and harbors.

I have been on the committee that handles claims on omnibus bills. In the conference I have come to an item or a claim in a bill in which I was a conferee, and when I would say that that is not a good item, that ought not to go in, it ought to go out, the answer would be, "Oh, that is the only item that Senator So-and-so has in this bill," and that was the only evidence of merit that was presented to the conferees very often.

If we are going to convert every appropriation bill into an omnibus bill, in which, in order to get the good items passed we accept the bad ones without the slightest consideration and pass them under suspension of the rules, your billion-dollar Congress will soon be a two-billion-dollar Congress.

Several MEMBERS. You are right.

Mr. SIMS. Gentlemen around me say I am right. I think the committee, under the rules they established themselves, properly declined to report my bill. I understand they did report a bill once that I was interested in, and it gave the committee a great deal of trouble. They said everybody who had as big a town as Paris, Tenn., wanted a public building. I want to say that I think I owe it to you, Mr. Speaker, that I got the bill for Paris, Tenn., because most of them had heard of Paris, Ill., and they put a bill in for Paris, Ill., and they could not turn down another town by the name of Paris.

Mr. BURKE of Pennsylvania. The gentleman is complaining about an item of $20,000,000 in this matter. Does not the gentleman think it is worth $20,000,000 to sit in this House and listen to a speech at this hour of the night? [Laughter.]

Mr. SIMS. No doubt it is cheap, even at that figure. Who can consider this bill fairly? The gentleman from Kentucky [Mr. SHERLEY] has got nothing in it. I have got nothing in it. As far as I know there are about three gentlemen here who are not tied up with appropriations in their districts in which they are interested.

Several MEMBERS. Name them.

Mr. SIMS. I said, as far as I know. Perhaps there are fifteen or twenty of us who can give sincere, deliberate, unbiased consideration to the bill.

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has eleven minutes remaining.

Mr. SIMS. I yield five minutes to the distinguished gentleman and statesman from the State of New York [Mr. SULZER], and reserve the remainder of my time.

Mr. SULZER. Mr. Speaker, it is now after midnight, and I only want to say a few words. The unseemly proceedings we witness here to-night in passing this public-buildings bill are beneath the dignity of the House of Representatives and reflect little credit on the assembled membership. What a spectacle it presents to the people of the country! For weeks and months we have been frittering away time, and now, in the closing hours of the session, the Speaker suddenly recognizes the gentleman from Missouri [Mr. BARTHOLDT] to move a suspension of the rules to pass the public-buildings bill, which carries authorizations of over $20,000,000 for public buildings in different parts of the United States.

Mr. TAWNEY. The bill does not appropriate one cent.

Mr. SULZER. That is true; but it authorizes the construction of public buildings in every State in the Union, and the lowest estimate as to the cost of these buildings is over $20,000,000, and sooner or later the taxpayers must foot the bills. I am told this is the pie bill that the Members have been promised, but I am opposed to rushing this pie bill through in the hours of midnight, under a suspension of the rules, without consideration, and without an opportunity for any Member to examine the provisions of the bill. No one has read this measure, and no one will get a chance now to discuss a single item in the bill. The method adopted for its passage is in violation of every principle of representative government.

In the name of the taxpayers of America I protest against it. No one knows what this bill does and no one can tell what the taxpayers will ultimately have to pay on account of it. Have the taxpayers no rights here? The chairman of the committee [Mr. BARTHOLDT] has the audacity to ask us to vote for this bill now—between 12 o'clock and 1 o'clock in the morning—and to consider it at some future time. I am opposed to this kind of legislation. This is a most important measure and I prefer to consider it now and consider it carefully, as it ought to be considered, item by item, paragraph by paragraph, and page by page. I am willing to stay here to do it. No honest legislator can justify the precipitous action of the powers that be in this House to rush this bill through in this unseemly way and at this untimely hour. It is better to be slow than sorry. Let us listen to reason. The tumult here will soon cease and then we must face our constituents and render an account of our stewardship.

The chairman of the committee [Mr. BARTHOLDT] tells us he has been several months preparing this pie bill. Who knows about that? Who wrote it? Where was it prepared? It was prepared in darkness. The bill has never been printed and reported so that Members could have an opportunity to read it and study it. No one here has been able to get a report or a printed copy of the bill. It is brought up without notice and it is to be rushed through without an opportunity for discussion and doubtless without a roll call. The order is, "Step up to the counter, say nothing, and get your piece of pie." This proceeding here to-night is an imposition on the membership of the House and an outrage on the taxpayers of the country. We know this bill has been used as an instrument of tyranny by those who know how to use it best to compel Members to do or not to do their duty regarding other legislation. It contains favors for the faithful, but I care not. It is the principle that I am opposing—the hasty way of rushing it through. This bill should be discussed and carefully considered, like other legislation, because it is one of the most important pieces of legislation that we can pass. I shall vote against it now because I have not had an opportunity to read it and because I know very little about it. I shall demand a roll call on this bill. I want the RECORD to show who are in favor of it and who are against it. Let those who receive the benefits—the pie—vote that way, and those who do not want pie but do want to stand by the people and want to serve the best interest of all the people vote against it.

Mr. BARTHOLDT. Mr. Speaker, I am perfectly willing to discuss every item in this bill for the benefit of those who desire information. I am willing, after having devoted five months of my time to the preparation of this bill, to spend another night upon it, and I am willing to sit here until 6 or 7 o'clock in the morning if necessary. I am willing to give all the information you want, but I want to say for the information of the gentleman from New York [Mr. FITZGERALD] that this bill does not appropriate a dollar out of the National Treasury. [Applause.] It carries authorizations to the amount of $19,000,000, and it provides for continuing contracts when that expires, during the next three and four years, for $3,000,000 more. The total of the demands in the 800 or 900 bills which the Committee on Public Buildings and Grounds considered amounted to the enormous sum of $225,000,000, and I can assure the Members of this House, speaking for all my colleagues on that committee, that it was no easy task to bring that enormous amount within the narrow frame of a bill such as the Treasury conditions would warrant us in passing at this time.

Mr. SULZER. Will the gentleman allow me to ask him a question?

Mr. BARTHOLDT. With pleasure.

Mr. SULZER. The gentleman says that the committee spent months and months considering this bill. I know nothing about that, but why not bring this bill in like every other appropriation bill and consider it according to our rules? [Cries of "Vote!"]

Mr. BARTHOLDT. I answer the gentleman by saying in the first place it is not an appropriation bill.

Mr. SULZER. How much will it ultimately take out of the pockets of the taxpayers of the country?

Mr. BARTHOLDT. That is for another committee to say which will pass upon it.

Mr. SULZER. The other committee must do it after you pass upon it?

Mr. BARTHOLDT. Not necessarily. The Committee on Appropriations can use its judgment upon every one of the items contained in this bill and can refuse, if they see fit, to make the appropriations.

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

Mr. BARTHOLDT. Certainly.

Mr. FITZGERALD. How much does the gentleman expect will be carried in the deficiency bill under the authorizations made in this bill?

Mr. BARTHOLDT. I indulge the hope it will not be necessary to make any appropriation in the deficiency bill.

Mr. FITZGERALD. How much does the gentleman expect will be carried, although it will not be necessary to carry anything?

Mr. BARTHOLDT. I do not know. I was asked the question by the chairman of the Committee on Appropriations today, Mr. Speaker, and I told him that with the exception of providing for the early construction of the post-office near the Union Station, for which the authorization of $200,000 was carried in this bill for the purpose of preparing plans and estimates, with that sole exception I do not think it will be necessary to carry a dollar in the deficiency appropriation.

Mr. FITZGERALD. Now, has not that always been the custom—to put the appropriation in the deficiency bill so that the boast could be made that it carried no appropriation?

Mr. BARTHOLDT. It has been the custom sometimes even to pass a concurrent resolution at the end of the session for the purpose of giving effect to some necesary and urgent paragraph contained in this bill, but in the present instance that is not necessary.

Mr. FITZGERALD. How much does the gentleman expect will be carried in the three buildings—the State Department, the Department of Justice, and the Department of Commerce and Labor?

Mr. BARTHOLDT. I thank the gentleman for having asked that question. The Committee on Public Buildings and Grounds fixed the limit of cost for those buildings, and that is all. It merely provides for the preparation of plans by the Treasury Department at an expense of $200,000, and that is the only authorization in connection with that great work carried in this bill.

Mr. RUCKER of Missouri. Now we understand it, go ahead and carry it through.

Mr. BARTHOLDT. I will answer any questions gentlemen may desire to ask me.

Mr. RUCKER of Missouri. Mr. Speaker, the gentleman says he will answer any question, and I will ask, Why did not you give me an appropriation for Brookfield?

Mr. BARTHOLDT. The gentleman can answer that question himself.

Mr. RUCKER of Missouri. I can if the House will take me into their confidence and allow me to tell what the gentleman said.

Mr. BARTHOLDT. Now, Mr. Speaker, in explanation of the items contained for Washington in this bill, while they do not carry any authorization at this time, it is necessary that that work should be undertaken soon, for the reason that in the city of Washington to-day the Government pays $560,000 in annual rent, and it will be a measure of economy to house the public service in this city. [Cries of "Vote!"]

Mr. SIMS. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has nine minutes.

Mr. SIMS. I yield five minutes to another distinguished statesman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I only wish to take two or three minutes in reference to the statement of the gentleman from Missouri that this bill carries no appropriation. It has always been the custom to make appropriations for this bill in the general deficiency bill. If it does not carry any appropriation at this session of Congress, it must be because the total appropriations of this session are piling so high that the party in power do not dare to add anything to them.

Mr. TAWNEY. Will the gentleman allow me?

Mr. FITZGERALD. I am about to congratulate the gentleman form Minnesota because of his eloquent protest on this floor against this extravagant way of appropriating money.

Mr. TAWNEY. Will the gentleman allow me to correct his statement?

The gentleman from New York has stated that it has been the universal custom to carry appropriations that are authorized in the public-building bill in the general deficiency appropriation bill. That is not and has not been the custom of the House. It is the practice of the House to carry in a separate appropriation bill after the public-building bill has passed such appropriations as are necessary in order to enable the department to go on and make the necessary plans and specifications.

Mr. BARTHOLDT. Mr. Speaker, this bill does not appropriate one dollar out of the National Treasury. It carries authorizations amounting to about $19,000,000 and provides for continuing contracts calling for expenditures within the next three or four years of about $3,000,000 more. The total demands in the 800 or 900 bills which the Committee on Public Buildings and Grounds has had to consider amounted to the enormous sum of $225,000,000 in round numbers, and I can assure the Members of the House, speaking for all my colleagues on that committee, that it was no easy task to bring that enormous total within the narrow frame of a bill such as Treasury conditions warranted us to pass.

The disappointments which the bill will cause in some quarters were, in the very nature of things, unavoidable. Many meritorious projects had to be deferred altogether, and reductions had to be made all along the line, but they were made without fear or favor and with absolute impartiality as to section or party. If the committee has erred, it has erred on the side of economy, and if it should be found that in some cases the cloth has been cut too short there will be a future remedy. The amount authorized in each single case is based upon the amount of annual postal receipts, surely the best and safest measure to determine actual requirements, and in order to do even-handed justice the committee adopted a scale which was followed all the way through the bill, so that all amounts were ascertained on the basis of absolute harmony and equality. The committee has considered no case where the postal receipts were below $10,000 except where accommodations were needed for United States courts, for the land service, or the Internal-Revenue Service. This inflexible rule, I regret to say, has resulted in quite a number of Members leaving the committee rooms with empty hands, but in the judgment of the committee it would be palpably unwise to go below the $10,000 mark. On the contrary, it might be argued with a good deal of convincing force that the limit should be raised rather than lowered.

The question of providing additional and most necessary accommodations for the Government in Washington, where we are now obliged to pay annual rentals to the amount of $560,000, was by far the most serious problem which confronted the committee. The question was how to satisfy these necessary demands and yet keep the bill within reasonable proportions. The committee has solved this problem in a way which we believe will prove satisfactory. We have provided for the preparation of plans and estimates for three new department buildings, namely, for the Departments of State, Justice, and Commerce and Labor; secondly, for a new city post-office near the Union Station; and, thirdly, for a large office building for the joint use of the Geological Survey, the Land Office, the Indian Office, the Reclamation Service, and the new Bureau of Mines. In each instance the limit of cost has been fixed not only for the buildings but also for the plans, and the committee was unanimous in its conclusion that all this work should be done by the Treasury Department.

Before concluding my statement, Mr. Speaker, let me call the attention of the House to an interesting fact, namely, that the building operations of the Government are now being carried on on a more extensive scale than in any other period of our history. If this bill passes, and I have no doubt it will, then we shall have passed omnibus public-building bills in three successive Congresses, a record, as I say, unequaled in our history, and when the buildings authorized in the present bill shall have been erected we shall have constructed more federal buildings in point of number during this short space of time than existed at the time this policy was entered upon, three Congresses ago, and had been built since the beginning of the Government up to that time. The last six years may, therefore, well be termed a constructive period in our legisaltive history. I reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker, it is always safe to assert that "this particular bill carries no appropriation." "It only makes an authorization." But the appropriations are carried before the Congress adjourns, nevertheless. I was about, however, to congratulate the distinguished gentleman from Minnesota upon his eloquent and most vigorous protest against this extravagance. He has condemned so many Members of the House for indulging in extravagance during the session that I was glad to applaud his hardihood in protesting against this bill.

I wish to record my protest, not that it will have any effect upon the House, against this method of legislation. Here are authorizations for some $19,000,000, and $11,000,000 of authorizations are in the District of Columbia. They may be necessary, they may be proper; but the House should have an opportunity to consider them in a deliberate and reasonable manner. I have not that same confidence in indefinite and indiscriminate commissions that some other gentlemen have. I believe it is a great mistake to pass bills in this way. My recollection is that river and harbor bills were carried in the same way until the distinguished gentleman from Ohio [Mr. BURTON] became chairman of that committee. He had the courage to bring his bill in, not under a suspension of the rules, and instead of explaining it ask permission to print the explanation after the vote had been taken. The gentleman brought his bill in and challenged every Member to criticise the items as they were reached. And it would result much better for the country if the gentleman from Missouri did the same thing. I endeavored to get a copy of the report on the bill earlier in the day, and found they were exhausted, and I have no doubt they were put to a good use. I have no doubt myself that if Members had an opportunity to scrutinize this bill as carefully as they do other bills of such large size, there would be found just as many occasions for severe criticism as in any other bills that come before the House. As there will be no opportunity for a record vote against the bill, I simply take this method of expressing my disapproval.

Mr. BARTHOLDT. I merely deferred to the wish of the House, modestly expressed, in not making an explanation of the bill. The gentleman from New York is not well informed when he assumes that this bill carries $11,000,000 for the District. It carries authorizations amounting to $400,000 for the District.

Mr. FITZGERALD. It carries authorization for three buildings. One to cost $8,000,000. The post-office building, $3,000,000.

Mr. BARTHOLDT. No.

Mr. FITZGERALD. The limit of cost of the State Department building, the Department of Justice building, and the Department of Commerce and Labor is $8,000,000, the Post-Office building, $3,000,000. That makes $11,000,000.

Mr. BARTHOLDT. I think it is necessary to make that matter plain, so that Members may understand it. The committee found that it was wiser, possibly, to pursue a policy of fixing the limit of cost for whatever buildings may be erected in this city. We might well have left out that limit of cost and merely have provided for the preparation of plans and estimates, but having profited by previous experience and realizing the possible extravagances that might be practiced by executive departments in designing buildings for their own use, the committee deemed it wise to fix the limit of cost. That does not carry an appropriation. It does not even provide an authorization. But it fixes the limit of cost, and the manner of authorization contained in the bill is provided for upon the limit of cost that has been fixed, even with regard to the preparation of plans, so that there may be no extravagance in that direction. The bill provides for these three public buildings, but in no part of the bill is there an authorization for an appropriation, "except as herein provided," and the proviso which follows hereafter is a proviso making an authorization of $200,000 for the plans.

Mr. SIMS. How much time have I remaining, Mr. Speaker?

The SPEAKER. Four minutes.

Mr. SIMS. I do not wish to use it all, Mr. Speaker, but I want to reassert that I have no criticism to make of the committee or any member of it. My criticism is upon the House for legislating in this way. Why is it we are here at nearly 1 o'clock? A point of order now lies against the consideration of this bill. Yesterday was suspension day, but to-day is not, and yet we are here to-day on a motion to suspend the rules. But let me say to you gentlemen and to the country, why this excessive haste to pass the bill? It is, in effect, an appropriation bill. It authorizes a charge on the Treasury. Why are we, who are paid $7,500 a year, not by the session, in such a hurry to rush off home to get into the shade?

Mr. MANN. Because we do not live in Tennessee. [Laughter.]

Mr. SIMS. Why are we in such a hurry to get into the shade while our constituents are plowing and harvesting and working in the fields and doing other things in the hot sun, and we here at 1 o'clock in the morning——

Mr. OLMSTED. Will the gentleman yield to me for one question?

Mr. SIMS. Certainly.

Mr. OLMSTED. I merely want to ask if the hot sun shines in Tennessee at 1 o'clock in the morning?

Mr. SIMS. No; Mr. Speaker, we have no grafting pork-barrel business that requires working at 1 o'clock at night.

Now, why should we not take this bill, or any other bill like it, and consider it item by item, under the rules, in daylight and let the House get some knowledge of the various items in the bill?

Mr. PAYNE. Can the gentleman remember how many times in the last four weeks he has asked me when I thought we would adjourn and get away from here? [Laughter.]

Mr. SIMS. I do not know. I do not remember having asked you that question a single time, but I may have done so, because it is continually being asked by everybody. But I want now to repeat again that this rush to get home and failure to do our duty here and properly to consider legislation that fixes millions of dollars upon the people is all wrong, is unjustifiable, and a motion to suspend the rules and pass such a bill as this ought to be voted down for the sake of decency.

Mr. Speaker, I yield the rest of my time to the distinguished gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I for one must vote against the passage of this $20,000,000 "pork-barrel bill," fully realizing that I will be one of the very few that will do so; but even if I were the only one voting against it, I could not do otherwise. My reasons for voting against this bill are many.

In the first place, Mr. Speaker, this bill is called up at an unusually late hour, the clock indicating that it is five minutes past 12 o'clock—midnight—just think of it, and without giving the Members who are not on that committee a chance to ascertain what the bill is and what it provides. We have not even had a chance to secure a glimpse at the report on the bill, notwithstanding the fact that it involves the expenditure of $20,000,000, and, as the chairman of the committee states, has taken the Committee on Public Buildings and Grounds over four months to consider. Now, in the grim darkness of the night and within twenty minutes after it is called up, it is forced to a vote.

The chairman of the committee, in whom I have always had the utmost confidence and who, I believe, means well, asks this House to vote for the bill, and he adds that to-morrow he will file his report. In other words, we are asked to vote for the bill without having any knowledge or information of the matters which it contains, but after the bill is passed we will then have a chance to inform ourselves on what provisions we have voted. Mr. Speaker, do you not think that we are entitled to know fully for what we are voting before we are asked to cast our votes?

From what I know of the chairman of this committee I am satisfied that it must have taken the strongest possible pressure on the part of the party leaders and the Republican chiefs in this House to bring about this high-handed method of choking this bill through, and I feel sure that he never would have yielded if he could possibly have withstood the tremendous pressure which was evidently brought to bear upon him by the Republican Members of this House. Thus, partially realizing with what he had to contend, I do not desire to blame him for his action, but I can not refrain from condemning the action of his party and its chiefs.

For years we have been promised by the Republican party a retrenchment and economy in the matter of public expenditures, and the present administration placed itself on record by pledging itself to real and actual economy, but this pledge is a mere sham, inasmuch as the great waste—careless, extravagant, yes, criminal expenditures of the people's money—still goes on.

Mr. Speaker, is this bill an example of the manner in which your party proposes to redeem its pledge to economy? During this session, up to the present time, you have appropriated and voted away, including the permanent appropriations, the stupendous sum of over $1,000,000,000. By passing this bill, which undoubtedly will carry close on to $25,000,000 before it will be signed, and the Appalachian and White Mountain bill, which you will undoubtedly force through this House, which calls for $11,200,000, will bring the total appropriations well over $1,050,000,000, or at least $15,000,000 more than was appropriated last year. And all this notwithstanding the fact that a certain prominent Republican Senator has openly stated that with an honest and economic administration based upon sound business methods this Government could save $300,000,000 a year. However, in place of reducing and curtailing the enormous appropriations as you have promised the country, you permit an increase of the appropriations of at least $15,000,000.

Of course I realize how important this bill is to many Members of the House and I believe that some of the appropriations contained in this bill are necessary and therefore justifiable, but I am firmly of the opinion that a majority of these are not needed unless it be for political purposes, and that in many instances this "pork-barrel" appropriation is intended to save the "bacon" of many Republican Members—yes, their political lives, if you please—but I have serious doubts that it will produce the desired effect, for I believe that no number of post-office buildings awarded to the Republican Members will avert the approaching well-merited defeat of many of these Members at the next election.

To vote away millions of dollars of the people's money each year for the purpose of helping Members in their campaigns for reelection to Congress will soon arouse the people, and then a radical change will take place in the manner and methods in which appropriations will be made to congressional districts for public buildings. Then the demand will come from the people that this looting of the Treasury shall cease, and the appropriations shall be made according to the actual needs and requirements of the Post-Office Department, and according to the amount of postal and other public business which is transacted in the locality. And if the business which is transacted in any large city warrants the erection of a new post-office building or court-house, the necessary appropriation will be forthcoming, but not otherwise.

In this bill we are appropriating from $1,000 to $100,000 for the building of post-offices in places where the revenue from the postal business will not reach the amounts which are appropriated for twenty years to come, and therefore I charge that these appropriations are absolutely unnecessary and can not be justified.

We are appropriating $3,000,000 for additional post-office buildings in Washington, so as to efficiently transact the postal business of the District of Columbia. Yet the total revenue derived from the postal transactions in the District of Columbia does not even warrant an appropriation of $300,000, but nevertheless you appropriate ten times that sum, or $3,000,000. On the other hand, you are appropriating only $500.000 for the Chicago post-office, which yields to the Government a revenue which this year amounts to over $20,000,000, or nearly one-tenth of the entire revenue of the country—a city where nearly one-half of the entire mail is handled.

It is true that the last Congress appropriated $1,250,000 for the purpose of acquiring a site for an additional post-office building in the city of Chicago, which is now absolutely needed there. However, I am obliged to state that if we had an administration which possessed some acumen for business this sum would have been adequate and sufficient to acquire by purchase a suitable site. But, through political chicanery, nothing has been done, and to-day you are appropriating $500,000 more, thus making the total appropriation for this great city $1,750,000 for the purchase of a site, which could easily have been purchased and acquired for one-half of that sum or a trifle more. This could have been done if the gentlemen having these matters in charge had acted intelligently and prudently in their negotiations. Not only would the site have been acquired, but the building could by this time have been well advanced—yes, even completed—and the Government would have been saved a large sum of money, and many deaths could have been prevented. In this connection I desire to embody in my remarks recent articles from a Chicago newspaper, which contain statements from the health commissioner and a draft of the resolution adopted by the post-office employees with reference to the congested and insanitary and foul conditions in the Chicago post-office. These conditions now prevailing in our city, the second largest metropolis in this country, are shameful and should be remedied in all possible haste.

[Reprinted from the Chicago Record-Herald.]

PHTHISIS IMPERILS POST-OFFICE CLERKS—AIR IS GERM LADEN—MEDICAL MEN CALL THE FEDERAL BUILDING QUARTERS AMONG WORST DISEASE BREEDERS IN THE CITY—EMPLOYEES' UNION ROUSED—PLAGUE'S RAVAGES, WITH A BELOVED COMRADE A VICTIM, BRING ACTION—SUBSTATIONS AS BAD.

Medical men who, in their private capacity, have investigated the conditions under which post-office employees are compelled to work in the federal building have declared them intolerable and have condemned the place as one of the worst disease-breeding spots in the city. As a result an investigation of the insanitary conditions in the Chicago post-office and its substations is being demanded by the Chicago Post-Office Clerks' Union.

In some of the substations conditions, it is said, are even worse than in the main building, and every week some victim succumbs to tuberculosis. In the last six months four members of the post-office clerks' union have died from tuberculosis, contracted in the course of their employment, and at present four more are ill from the same cause.

TO PETITION WASHINGTON.

The latest victim of the scourge is Charles Dvorak, who has been treasurer of the union since it was organized, ten years ago. Dvorak is popular among his fellows, and his illness has aroused such a protest

that the government authorities at Washington probably will be petitioned to remedy the evils complained of.

A few months ago Prof. Charles R. Henderson, secretary of the Illinois commission on occupational diseases, Dr. Ludwig Hektoen, Health Commissioner Evans, and Frank E. Wing, superintendent of the Chicago Tuberculosis Institute, visited the federal building to investigate conditions. Because of the fact that the building is under federal supervision and not amenable to the laws of the State, the experts kept the result of their investigation secret, but all admit that the conditions are bad.

Under the new law providing for the health and comfort of employees, which went into effect January 1 of this year, the conditions prevailing in the federal building would render liable to prosecution any private employer who would permit such conditions in his workshop or factory.

CALL METHODS MEDIÆVAL.

The ventilation of the building was pronounced bad and an absolute failure by the medical experts, while the system of dusting is said to be mediæval and not in conformity with modern requirements.

Mail bags which are drawn over railway station platforms in all parts of the country, gathering disease germs, are never disinfected or cleaned. They are handled by hundreds of clerks and the dust from them falls in a thick coating all over the distributing cases in the workrooms.

Hundreds of employees use the same drinking cup, and Mr. Wing says that he saw no attempts being made at giving the clerks an ample towel supply.

The city mailing division is furnished with wooden boxes filled with sawdust for cuspidors, and no attempt is made to keep them clean. The employees are required to work within a few feet of a lavatory used by hundreds of employees daily, and when this was observed by Doctor Hektoen he threw up his hands in horror. Doctor Evans, when making the investigation, climbed up to a ventilator and held his handkerchief in front of the opening through which fresh air is furnished. The handkerchief hung limp, and Doctor Evans declared that the system could not possibly be worse.

AT KINZIE STREET STATION.

At the Kinzie street station, in what is known as the tube room, conditions are said to be such that no employee can work there a year and keep his health. The room is several steps below the level of the sidewalk and is rented from the Northwestern Railroad Company.

It has about 200 square feet of floor space and 70 men are constantly employed in it. On one side is the commissary department of the dining-car service of the railroad and on the other side is the boiler room. In warm weather the odor of decayed vegetables and meats from the commissary department is said to be such as to cause some of the clerks to faint.

At Station U at the Union Depot conditions are said to be only a little better than at Kinzie street.

"I have no hesitation in saying that conditions in the post-office building are extremely bad," said Mr. Wing. "I accompanied some medical experts in an investigation a few months ago and, although I am not familiar with all the provisions of our new health and sanitation law, I believe that no private employer could permit such conditions in his establishment as obtain in the post-office and escape prosecution.

"Many cases of consumption among the clerks have been brought to my attention and I have no hesitancy in saying that in most instances they are directly traceable to the conditions under which the men are forced to work."

Oscar F. Nelson, president of the Post-Office Clerks' Union, said the organization purposed making such a protest through the American Federation of Labor as would force an investigation and an improvement in conditions.

[Reprinted from the Chicago Record-Herald.]

POSTAL CLERKS' PERIL DESCRIBED BY EVANS—HEALTH COMMISSIONER CALLS FEDERAL BUILDING QUARTERS WORST IN THE LOOP—IN APPEAL TO WASHINGTON—AUTHORITIES HERE WILL URGE AN IMMEDIATE IMPROVEMENT IN THE CONDITIONS.

"The Chicago post-office is the most ill-ventilated piece of work above ground in the loop," declared Health Commissioner Evans yesterday, following the publication in the Record-Herald of the report of the insanitary conditions found there and the complaint made by the Chicago Post-Office Clerks' Union.

"I have been through a great many public buildings," continued Doctor Evans, "and have found bad conditions frequently, but the post-office I must class as being one of the very, very bad kind. It was several months ago that I went through with Dr. Ludwig Hektoen, Prof. Charles R. Henderson, secretary of the Illinois commission of occupational diseases, and Frank E. Wing, secretary of the Chicago Tuberculosis Institute. We went through the department where the mail is brought in and found many men working at sorting and at cases. There seemed to be tiers of decks, and the air in these departments seemed simply intolerable.

BAD ON OTHER FLOORS.

"Then we passed through some long, narrow alleyways, where there seemed to be windows looking outside, with deep arches. The air in those places was very bad. In fact, it was bad even after we went upstairs. It was bad all through the building.

"We found in one large room where the mail clerks were working that the vents had been stopped up with boards by the clerks because the air being pumped in was too cold for them to stand and to work in comfort. They preferred the bad air.

"Of course our committee exercised no authority, and we are helpless to extend any aid to those unfortunate employees. It will be up to the Government to remedy this trouble."

As a result of the Record-Herald's revelation of the reports on the insanitary conditions, officials of the federal building promised yesterday that they would begin an investigation at once and recommend to the Treasury Department at Washington such changes or repairs as would be necessary to make the building safe to work in.

"We have simply outgrown our building," said Postmaster Campbell, "and have been forced to resort to expedients that should perhaps not be. However, we have had installed within the last two months a vacuum-cleaning apparatus and water coolers. These will be of considerable assistance in promoting cleanliness and comfort. I do not think conditions here, however, are so bad as some people who are always dissatisfied would make out. If there were four persons in our department here who died from tuberculosis in the last year we have yet to learn of it. We have a ventilating system in the building, but I do not believe it is working, or has worked since it was installed. I have been told that it was considered too expensive to operate."

I sincerely trust that you will carefully digest the substance of these articles and when in the next session of this Congress I make an appeal for a fair, just, and proper appropriation for our Chicago post-office, so that the beastly and deplorable conditions may be remedied, I hope that you will give me your aid and assistance in place of voting away millions of dollars for places where conditions do not warrant any appropriations.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 197, noes 5.

Mr. SULZER. I ask for the yeas and nays. Let us go on record on this.

The yeas and nays were refused, five Members, not a sufficient number, rising to second the demand.

Mr. SULZER. Five honest men left.

Mr. OLMSTED. You are left. That is what is the matter.

Accordingly, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

ORDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that Tuesday of this week be set aside for the consideration of District business.

Mr. MANN and Mr. SHERLEY objected.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 26187. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 25773. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

HOUSE CONCURRENT RESOLUTION 47.

Mr. OLMSTED. Mr. Speaker, I call up House concurrent resolution 47 and ask to concur in the Senate amendments.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 51 minutes a. m., on Tuesday, June 21, 1910) the House adjourned, to meet on Tuesday, June 21, 1910, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting petition of 16,086 employees in the departments and bureaus in Washington, praying for the enactment of a civil-service retirement law and a uniform reclassification law as to salaries (H. Doc. No. 971), was taken from the Speaker's table, referred to the Committee on Reform in the Civil Service, and ordered to print letter only.

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. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the joint resolution of the Senate (S. J. Res. 112) authorizing the superintendent of documents to cause to be printed for sale to the public copies of the Criminal Code of the United States, reported the same without amendment, accompanied by a report (No. 1656), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 6011) to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes, reported the same with amendment, accompanied by a report (No. 1657), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the Senate (S. 6951) for the relief of the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 1658), which said bill and report

were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the bill of the Senate (S. 8516) providing for the printing of Daily Consular Reports, reported the same without amendment, accompanied by a report (No. 1659), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 1997) to limit and fix the compensation of the appraiser of merchandise at the port of San Francisco, reported the same without amendment, accompanied by a report (No. 1670), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

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

Mr. TILSON, from the committee on Military Affairs, to which was referred the bill of the Senate (S. 4196) to place David Robertson on the retired list of the United States Army, reported the same without amendment, accompanied by a report (No. 1660), 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 House (H. R. 21613) for the relief of Francis E. Rosier, reported the same with amendment, accompanied by a report (No. 1661), 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 House (H. R. 26018) for the relief of James Donovan, reported the same without amendment, accompanied by a report (No. 1662), which said bill and report were referred to the Private Calendar.

Mr. ROBERTS, from the Committee on Private Land Claims, to which was referred the bill of the Senate (S. 6059) to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns, reported the same without amendment, accompanied by a report (No. 1668), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Minnesota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17634) providing for the correction of the Cherokee freedmen rolls respecting the age of Sephenia Bean, roll No. 1850, reported the same with amendment, accompanied by a report (No. 1671), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk and laid on the table as follows:

Mr. ROBERTS, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 5548) for the relief of Sarah Spaulding, reported the same adversely, accompanied by a report (No. 1663), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 1232) for the relief of James L. Bradford, reported the same adversely, accompanied by a report (No. 1664), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 6894) for the relief of George Thompson, reported the same adversely, accompanied by a report (No. 1665), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 6895) for the relief of Charles O. Hanna, reported the same adversely, accompanied by a report (No. 1666), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 26963) granting an increase of pension to F. Max Gress, 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. HAMER: A bill (H. R. 27011) to authorize the construction of a bridge across the Kootenai River in the State of Idaho—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: A bill (H. R. 27064) granting to the Northern Pacific Railway Company the right to construct and maintain a bridge across the Yellowstone River—to the Committee on Interstate and Foreign Commerce.

By Mr. McHENRY: A bill (H. R. 27065) for the advancement of agriculture—to the Committee on Agriculture.

By Mr. STANLEY: Resolution (H. Res. 813) to investigate violations of the antitrust act of 1890—to the Committee on Rules.

By Mr. PAYNE: Resolution (H. Res. 814) providing for the consideration of House bill 18398—to the Committee on Rules.

By Mr. SMITH of Michigan: Resolution (H. Res. 815) to pay Winthrop C. Jones for extra services in the preparation of the daily calendars of the House—to the Committee on Accounts.

By Mr. ANTHONY: Resolution (H. Res. 816) to pay to E. R. Ernst a certain sum of money—to the Committee on Accounts.

By Mr. ROBERTS: Resolution (H. Res. 817) providing for the payment of Randolph Edwards a certain sum of money—to the Committee on Accounts.

By Mr. O'CONNELL: Joint resolution (H. J. Res. 233) granting authority for the erection in Arlington National Cemetery of a memorial to John S. Croghan, chief boatswain, United States Navy—to the Committee on Military 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. BOOHER: A bill (H. R. 27012) granting an increase of pension to James T. Jones—to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 27013) granting a pension to E. A. Hawks—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 27014) granting an increase of pension to Simeon Sherrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27015) granting an increase of pension to Enoch Tedrow—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 27016) granting an increase of pension to William F. Hahn—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 27017) granting an increase of pension to Parley P. Stoner—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 27018) granting an increase of pension to John Murphy—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 27019) granting an increase of pension to Jacob B. Shuman—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 27020) for the relief of Mathias Meyer—to the Committee on Claims.

By Mr. GREENE: A bill (H. R. 27021) for the relief of Messrs. Darling & Slade—to the Committee on Claims.

By Mr. HAMER: A bill (H. R. 27022) granting an increase of pension to Aron M. Adamson—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 27023) granting an increase of pension to Robert L. Elliott—to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 27024) granting an increase of pension to Josiah Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27025) granting an increase of pension to John H. Dunn—to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 27026) granting an increase of pension to Jacob Mathias—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 27027) for the relief of John Harris—to the Committee on Military Affairs.

Also, a bill (H. R. 27028) for the relief of W. T. Atkinson—to the Committee on Claims.

Also, a bill (H. R. 27029) for the relief of the heirs of A. J. Ward—to the Committee on War Claims.

Also, a bill (H. R. 27030) granting a pension to Joseph Gambell—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 27031) granting an increase of pension to William Scratney—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 27032) granting an increase of pension to Franklin Blades—to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: A bill (H. R. 27033) for the relief of Martin & Co., of Houston, Tex.—to the Committee on Claims.

By Mr. MORGAN of Missouri: A bill (H. R. 27034) granting an increase of pension to Isaiah F. Nickell—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 27035) granting an increase of pension to William Powley—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 27036) granting an increase of pension to John Reuss—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 27037) for the relief of John McGrail—to the Committee on Military Affairs.

Also, a bill (H. R. 27038) for the relief of William R. Boag—to the Committee on Military Affairs.

By Mr. SHARP: A bill (H. R. 27039) granting an increase of pension to Benjamin E. Edgell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27040) granting an increase of pensions to Amos Gochenour—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 27041) granting a pension to Mary S. Overby—to the Committee on Pensions.

Also, a bill (H. R. 27042) granting a pension to Ulysses S. Davis—to the Committee on Pensions.

Also, a bill (H. R. 27043) granting a pension to Stephen H. Harrel—to the Committee on Pensions.

Also, a bill (H. R. 27044) granting a pension to William H. Jones—to the Committee on Pensions.

Also, a bill (H. R. 27045) granting a pension to George Price—to the Committee on Pensions.

Also, a bill (H. R. 27046) granting a pension to Sophia Goodman—to the Committee on Pensions.

Also, a bill (H. R. 27047) granting a pension to Robert S. Hill—to the Committee on Pensions.

Also, a bill (H. R. 27048) granting a pension to William E. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 27049) granting a pension to Columbus Wise—to the Committee on Pensions.

Also, a bill (H. R. 27050) granting an increase of pension to Elizabeth A. Pearce—to the Committee on Pensions.

Also, a bill (H. R. 27051) granting an increase of pension to Marcus E. Cartwright—to the Committee on Pensions.

Also, a bill (H. R. 27052) granting an increase of pension to William A. Parker—to the Committee on Pensions.

Also, a bill (H. R. 27053) granting an increase of pension to Perry Knox—to the Committee on Pensions.

Also, a bill (H. R. 27054) granting an increase of pension to Philip Cronin—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 27055) for the relief of the estate of Edward Bedsole—to the Committee on War Claims.

By Mr. THOMAS of Kentucky: A bill (H. R. 27056) granting an increase of pension to Washington C. Shannon—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 27057) for the relief of Dewitt C. Robbins—to the Committee on Military Affairs.

By WANGER: A bill (H. R. 27058) granting an increase of pension to Sarah E. Kames—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 27059) granting The Times Printing Company, of South Bend, Ind., reimbursement for postage erroneously paid—to the Committee on Claims.

By Mr. HAMER: A bill (H. R. 27060) granting an increase of pension to George Snyder—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 27061) granting a pension to Elizabeth A. Collins—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 27062) for the relief of Zadok Paris—to the Committee on War Claims.

By Mr. WATKINS: A bill (H. R. 27063) to carry into effect the findings of the court of claims in case of Louis V. Metoyer, administrator of Theophile Metoyer, deceased—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 the SPEAKER: Petitions of 5,500 civil-service employees in Chicago, Philadelphia, New York, Boston, Augusta, Me., Knoxville, Tenn., New Orleans, La., Pittsburg, Pa., St. Paul, Minn., Cincinnati, Ohio, Buffalo, N. Y., and St. Louis, Mo., praying for the enactment of a civil-service retirement law and a uniform reclassification law as to salaries—to the Committee on Reform in the Civil Service.

By Mr. ANDERSON: Paper to accompany bill for relief of Samuel Phillips—previously refered to the Committee on Invalid Pensions, reference changed to Committee on Pensions.

Also, papers to accompany bills for relief of Wesley Norris and Marion Harris—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Hiram Pinkerton—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Gifford Ramey—to the Committee on Pensions.

By Mr. AUSTIN: Paper to accompany bill for relief of heirs of O. P. Stone—to the Committe on War Claims.

By Mr. BARTLETT of Georgia: Petition of Georgia bankers' convention, for an increase of the salaries of the federal judiciary—to the Committee on the Judiciary.

By Mr. BOOHER: Petition of the Richardson Dry Goods Company, the McCord-Donovan Shoe Company, Knight-Reed Mercantile Company, and Wyeth Hardware Company, all of St. Joseph, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of South Dakota: Petition of many citizens of South Dakota favoring Senate bill S. 3776, by Senator Cummins—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: Memorials of Lithographers' Union, of Denver, Colo.; Baltic Mule Spinners' Association, of Baltic, Conn.; International Brotherhood of Bookbinders, of Washington, D. C.; International Association of Steam, Hot Water, and Power Pipe Fitters and Helpers, of Fort Wayne, Ind.; International Union of Steam Engineers, of Fort Wayne, Ind.; International Union of United Brewery Workmen, of Indianapolis, Ind.; Bakery and Confectionery Workers, of Topeka, Kans.; Coopers' International Union, of Owensboro, Ky.; Coopers' International Union, of St. Louis, Mo.; Silk Weavers' Protective and Benevolent Association of Paterson, N. J.; Musicians' Protective Association, of Hoosick Falls, N. Y.; Trades and Labor Assembly, of Oneida, N. Y.; American Federation of Musicians, of Erie, Pa.; Trades and Labor Council, of Memphis, Tenn.; Federal Labor Union, of Houston, Tex.; American Federation of Musicians, of Houston, Tex.; and Federation of Labor, Salt Lake City, Utah, for report of oleomargarine tax—to the Committee on Agriculture.

Also, petitions of Current Fiction Club, of Eureka Springs, Ark.; Monday Club of Oxnard, Cal.; Glendora (Cal.) Woman's Club; Highland Park Ebell of Los Angeles, Cal.; Saturday Afternoon Club, of Ukiah, Cal.; Village Improvement Association of Green Cove Springs, Fla.; New Century Club, of High Springs, Fla.; Carrie Dyer Reading Club, of Acworth, Ga.; I Will Club, of Chicago, Ill.; Clio Reading Club, of Warsaw, Ind.; Zerelda Reading Club, of Warsaw, Ind.; Altruria Club, of Mount Vernon, Iowa; Dubuque (Iowa) Woman's Club; Woman's Club of Seneca, Kans.; Prentis Study Club, of Wellington, Kans.; Woman's Club of Lafayette, La.; Associated Blind Women of Maryland; Fitchburg (Mass.) Woman's Club; Twentieth Century Club, of Wadena, Minn.; Primrose Club, of Stillwater, Minn.; Members of Coterie of Minneapolis, Minn.; Minnesota Federation of Women's Clubs, of Sleepy Eye, Minn.; Woman's Association of Ridgefield, N. J.; Whitehall (N. Y.) Civic Improvement League; Myosolis Club, of Sanborn, N. Dak.; Woman's Study Club of Wimbledon, N. Dak.; Ladies' American Club of Jackson Center, Ohio; Woman's Club of Marshall, Okla.; Twentieth Century Club, of Pittsburg, Pa.; Woman's Club of Columbia, Pa.; Rhode Island State Federation of Woman's Clubs; Pathfinders' Club, of Austin, Tex.; Yoakum (Tex.) Literary Club; Railway Mail Association of Denison, Tex.; Ladies' Literary Club of Ogden, Utah; Seekers' Literary Club, of Salt Lake City; Ladies' Literary Club of Salt Lake City; P. L. F. Club, Bellingham, Wash.; Tilicum Club, of Cheney, Wash.; Social Economics Club of Milwaukee, Wis., for an investigation of diseases of dairy cattle—to the Committee on Agriculture.

By Mr. COX of Indiana: Petition of James H. Emmett Post, No. 6, Department of Indiana, Grand Army of the Republic,

favoring the $1 per day pension bill—to the Committee on Invalid Pensions.

By Mr. ESCH: Paper to accompany bill for relief of Parley P. Stoner—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of John Murphy—to the Committee on Invalid Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of Jacob B. Shuman—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of W. T. Robertson, of Rockford, Ill., for the Lowden bill (H. R. 15814) to provide homes for ambassadors—to the Committee on Foreign Affairs.

By Mr. GOEBEL: Memorial of 750 American tourists, adopted at Cairo, Egypt, May 6, 1910, deploring the absence of American vessels on the high seas—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMER: Paper to accompany bill for relief of George Snyder—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Aron M. Adamson—to the Committee on Invalid Pensions.

By Mr. HANNA: Petition of business men of Sheldon, N. Dak., for Senate bill 3776—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New Rickford, Nebr., for a national health bureau—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of Georgia: Paper to accompany bill for relief of certain colored citizens of Georgia, depositors of Freedman's Savings Bank and Trust Company—to the Committee on Banking and Currency.

By Mr. KEIFER: Petition of Landon West and 120 other citizens of Pleasant Hill, Matthis H. Harris and 93 other citizens of West Milton, and G. W. Swisshelm and 48 other citizens of Peebles, all in the State of Ohio, appealing to Congress and the President of the United States to call upon the rulers of Russia to show mercy and give protection to the Jews of Russia now suffering in that country by reason of the acts of those in authority in Russia, and further praying that there may be good feeling and peace through all the lands, and also praying that all rulers of this and all other countries of the world may be induced to see, read, and consider the words of the prophet Daniel and Micah, found in Daniel, chapter 2, verse 44, and in Micah, chapter 4, verse 7—to the Committee on Foreign Relations.

By Mr. KORBLY: Petition of the Kahn Tailoring Company against parcel-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. LEVER: Petitions of Lithographers' Union of Denver, Colo.; Silk Weavers' Protective and Benevolent Association of Paterson, N. J.; Order of Railway Conductors of Mechanicsville, N. Y.; Brotherhood of Railway Trainmen of Toledo, Ohio; International Brotherhood of Bookbinders of Washington, D. C.; International Brotherhood of Locomotive Engineers of Charleston, Ill.; International Union of Steam Engineers of Fort Wayne, Ind.; International Union of Molders of Muncie, Ind.; International Association of Steam, Hot Water, and Power Pipe Fitters and Helpers of Fort Wayne, Ind.; International Union of Slate Workers of Bangor, Fla.; Glass Bottle Blowers' Association of Butler, Pa.; Glass Bottle Blowers' Association of Sheffield, Pa.; American Federation of Musicians of Erie, Pa.; American Federation of Musicians of Houston, Tex.; International Brotherhood of Paper Makers of Bellows Falls, Vt.; International Longshoremen's Association of Raymond, Wash.; and Shingle Weavers' Union of Marinette, Wis., for repeal of the oleomargarine tax—to the Committee on Agriculture.

By Mr. LIVINGSTON: Petition of citizens of Georgia, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of H. P. Merrill Post, No. 419, Department of Michigan, Grand Army of the Republic, of Bay City, Mich., against retention of the Lee statue in Statuary Hall—to the Committee on the Library.

By Mr. RAINEY: Petition of Hillview Drainage and Levee District, favoring removal of the Kampsville Dam—to the Committee on Rivers and Harbors.

By Mr. RUCKER of Colorado: Petition of William G. Fallhaber, master, and Mrs. Anna E. Marshall, secretary, and a number of members of Castlewood Grange, No. 159, Patrons of Husbandry, praying for the passage of Senate bill 6931—to the Committee on Agriculture.

By Mr. SHERWOOD: Petition of citizens of Ohio, against a national health bureau—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *June 21, 1910.*

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

The VICE-PRESIDENT being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I gave notice yesterday that I would call up the deficiency appropriation bill after the reading of the Journal to-day. I ask that the Senate proceed to the consideration of that bill, House bill 26730.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26730) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first be considered. Is there objection? The Chair hears none, and the order is made. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 3, after line 4, to insert:

For the compensation to one member of the permanent committee, and for the payment of actual and necessary expenses of delegates to the general assembly of the International Institute of Agriculture at Rome, established under the international convention concluded at Rome on June 7, 1905, $8,600, or so much thereof as may be necessary, to remain available during the fiscal year ending June 30, 1911.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to insert:

Reimbursement of the G. R. Caswell Lumber Company, etc.: To reimburse the G. R. Caswell Lumber Company, an American corporation of Vermont, and W. K. Baldwin, a resident of Quebec, for losses sustained by fire caused by a surveying party in the employ of the International Boundary Commission, being the quota of the United States, $218.65, to be placed at the disposal of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 5, after line 13, to insert:

To pay William M. Malloy for expenses and compensation for compiling "treaties, conventions, international acts, protocols, and agreements between the United States and other powers, 1776 to 1909," under resolution of the Senate (S. Res. 252), Sixtieth Congress, second session, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 6, after line 2, to insert:

Salaries, Office of Secretary of the Treasury, 1910: The Secretary of the Treasury is authorized to use not exceeding $1,200 of the unexpended appropriations for salaries in the Division of Bookkeeping and Warrants, fiscal year 1910, in payment, at such rates as the Secretary of the Treasury shall determine, for extra services rendered by such of the force of the division as have performed said additional duties throughout the fiscal year 1910, notwithstanding the provisions of sections 1763 to 1765 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Treasury Department," on page 10, after line 17, to insert:

Independent Treasury: Paper for checks and drafts, Independent Treasury: Authority is hereby granted the Secretary of the Treasury to pay the unpaid bill of Crane & Co., of Dalton, Mass., in the sum of $243.27, for watermarked check paper ordered and furnished the Treasury Department in August, 1908, from the unexpended balance of the appropriation for "Paper for checks and drafts, Independent Treasury," fiscal year 1910, the appropriation for the fiscal year 1909, from which the same was payable, being exhausted at the time the bill was rendered in May, 1910.

The amendment was agreed to.

The next amendment was, on page 11, after line 15, to insert:

Reissue of Treasury drafts: Upon return to the Treasury Department of certain outstanding drafts, amounting in the aggregate not to exceed $7,407.09, by H. Amy & Co., Adrian Iselin & Co., Baring Brothers & Co., and the other claimants or parties to whom said drafts were delivered when issued, the Secretary of the Treasury is hereby authorized and directed to issue, in conformity with the decision of the First Comptroller of the Treasury dated June 6, 1888, new drafts in exchange therefor, made payable to the order of the parties returning them or as directed by indorsements thereon: *Provided*, That the returned drafts were issued in refund payment of internal-revenue taxes withheld by railroad and other corporations acting as government