

post service; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Petition of R. M. Lyons Post, Grand Army of the Republic, of Bowerston, Ohio, favoring increase of pensions; to the Committee on Invalid Pensions.

By Mr. HOUSTON: Petition of J. P. Adams and others, of Manchester, Tenn., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of State military board, favoring House bill 28436; to the Committee on the Militia.

By Mr. JOYCE: Petition of Dick Cheatham Post, No. 317, Grand Army of the Republic, of Beverly, Ohio, and Fred Aler Post, No. 412, Grand Army of the Republic, of Adamsville, Ohio, favoring amendment to the age pension act; to the Committee on Invalid Pensions.

Also, petition of citizens of the fifteenth congressional district of Ohio, against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, memorial of Nellsville Grange, No. 229, favoring New Orleans for the Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Barlow Grange, No. 1577, of Vincent, Ohio; farmers' institute of Reinerville, Ohio; and farmers' institute of Fairview, Ohio, for parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Protest of citizens of Grinnell, Iowa, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LATTA: Petition of J. E. Crissinger and 24 others, of Newcastle, Nebr., and M. J. Scudder and 25 other business men of Central City, Nebr., favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LEVER: Memorial of Cumberland Sound Lodge, No. 303, B. P. C. of A., Jacksonville, Fla.; International Union of Brewery Workmen, of Evansville, Ind.; Central Labor Union of Elkhart, Ind.; Brotherhood of Painters and Decorators' Union of Springfield, Mo.; Binghamton Division, Order of Railway Conductors, of Binghamton, N. Y.; Brotherhood of Painters and Decorators, of Columbus, Ohio; Union Labor League of Sharon, Pa.; and Brotherhood of Painters, Decorators, and Paperhangers, of Erie, Pa., in support of the Lever bill, repealing the tax on oleomargarine; to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of citizens of Wadena and Monticello, Minn., against the proposed rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MCKINNEY: Petition of the Presbyterian Church of Good Hope, Ill., for the passage of the Miller-Curtis interstate liquor bill; to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Papers to accompany bill for the naturalization of aliens who have enlisted or may enlist in the Organized Militia of any State honorably discharged therefrom after three years' service; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Lincoln, Nebr., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MASSEY: Affidavit of Robert H. Massey (referred from Committee on Invalid Pensions); to the Committee on Military Affairs.

By Mr. MILLINGTON: Papers to accompany House bill granting an increase of pension to John E. Quackenbush; to the Committee on Invalid Pensions.

By Mr. PEARRE: Petition of Home Interest Society of Montgomery County, Md., favoring Senate bill 423 and House bill 3654; to the Committee on Expenditures in Interior Department.

By Mr. REEDER: Petition of citizens of the sixth Kansas congressional district, against rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. REYNOLDS: Petition of employees of the Johnstown post office, favoring House bill 22776, relative to retirement of Government employees; to the Committee on Reform in the Civil Service.

Also, petition of citizens of Johnstown and Lilly, favoring Senate bill 3776, to control express companies by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Elizabeth Shaffer; to the Committee on Pensions.

Also, papers to accompany bills for relief of Hiram Osman, Jasper C. Rabinett, Levi Clites, and William A. Patterson; to the Committee on Invalid Pensions.

Also, petitions of Mount Hermon Grange, No. 1120; Bedford County Pomona Grange; Licking Valley Grange, No. 484, of Archspring; Laysburg Grange, No. 1104; Osterbury Grange, No. 737; and Highland Grange, No. 1123, of Wilmore, all in the State of Pennsylvania, for amendment of the oleomargarine law; to the Committee on Agriculture.

By Mr. RICHARDSON: Paper to accompany bill for relief of Maj. Sanford Willbanks; to the Committee on Military Affairs.

By Mr. SHEFFIELD: Memorials of town councils of Bristol, Coventry, New Shoreham, North Providence, and Richmond, R. I.; General Assembly of the State of Rhode Island; and citizens of Newport, Block Island, Middletown, New Shoreham, and Newport County, R. I., in favor of Senate bill 5677; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Society for the Relief and Control of Tuberculosis in Pawtucket, R. I., and vicinity, favoring investigation of dairy products; to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Memorial of Minnesota State Federation of Labor, favoring more restrictive immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of Manheimer & Bros., of St. Paul, Minn., and Murphy & Co., of Stillwater, Minn., against the proposed rural parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of Minnesota State Board of Control, against passage of bill limiting sale of prison-made goods to the State where manufactured; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of John F. Foley and others, for appropriation to relieve the victims of the *General Slocum* disaster; to the Committee on Appropriations.

Also, petition of citizens of the United States for legislation to make October 12 a holiday; to the Committee on the Judiciary.

Also, petition of H. E. Wills, national legislative representative of the Brotherhood of Locomotive Engineers, favoring Federal inspection of locomotive boilers; to the Committee on Interstate and Foreign Commerce.

By Mr. THISTLEWOOD: Protests of citizens of the twenty-fifth congressional district of Illinois, against extension of parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. TOU VELLE: Petition of the Messrs. Bvetter, of Maplewood, Ohio, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, January 13, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

THE FIVE CIVILIZED TRIBES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, stating, in response to a resolution of the 9th instant, that the Commissioner to the Five Civilized Tribes at Muskogee, Okla., has been directed to report as to the total cost of closing the affairs of the Five Civilized Tribes, making up the rolls, and allotting the lands, and conducting the schools, etc., and that upon the receipt of his report it will be transmitted to the Senate (S. Doc. No. 739), which was referred to the Committee on the Five Civilized Tribes and ordered to be printed.

ESTIMATE OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, recommending the adoption of a proposed amendment to the legislative, executive, and judicial appropriation bill for one bookbinder, \$1,250, Division of Printing and Stationery, Treasury Department (S. Doc. No. 738), which was referred to the Committee on Appropriations and ordered to be printed.

CIVIL GOVERNMENT OF PORTO RICO.

The VICE PRESIDENT laid before the Senate a cablegram, in the nature of a communication, from the speaker of the House of Delegates of Porto Rico, requesting the amplification of legislation providing for an elective insular senate and a participation of Porto Rico in the insular, executive, and other liberal reforms (S. Doc. No. 737), which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes; in which it requested the concurrence of the Senate.

The message also transmitted to the Senate resolutions of the House on the death of Hon. CHARLES J. HUGHES, Jr., late a Senator from the State of Colorado.

ENROLLED BILLS SIGNED.

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

H. R. 971. An act for the relief of Joseph R. Reichardt;
H. R. 6075. An act for the relief of Amos Hershey;
H. R. 16990. An act for the relief of George J. Diller;
H. R. 20132. An act for the relief of Emil Haberer; and
H. R. 26583. An act to authorize the city of Drayton, N. Dak., to construct a bridge across the Red River of the North.

SENATOR FROM VERMONT.

Mr. DILLINGHAM presented the credentials of CARROLL S. PAGE, chosen by the legislature of the State of Vermont a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of Local Lodge No. 710, Modern Brotherhood of America, of Cologne, Minn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented memorials of the Park View Citizens' Association and of sundry citizens of Washington, D. C., remonstrating against the proposed change of the name of Rock Creek Church Road to Putnam Street, which were referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Laconia, N. H., and a memorial of sundry citizens of Concord, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Central Labor Union of Concord, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURNHAM presented a petition of the Central Labor Union of Concord, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Post No. 37, Grand Army of the Republic, of Laconia, N. H., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. TALIAFERRO presented a petition of sundry citizens of Miami, Fla., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. WARREN presented a petition of sundry citizens of Wyoming, praying that pensions be granted to the veterans of the Indian wars, which was referred to the Committee on Pensions.

Mr. SCOTT presented petitions of sundry citizens of Fairmont, Moundsville, Parkersburg, Catawba, Fayetteville, and Huntington, all in the State of West Virginia, praying for the enactment of legislation to further increase the efficiency of the Organized Militia, which were referred to the Committee on Military Affairs.

Mr. FLETCHER presented petitions of Marion Camp, No. 162, of McIntosh; of Local Camp No. 118, of Inverness; of St. John Camp, No. 303, of Hastings; of Local Camp No. 74, of Plant City; of Local Camp No. 198, of Taylorville; of Local Camp No. 174, of Archer; of Local Camp No. 48, of St. Augustine; and of Local Camp No. 161, of Tampa, all of the Woodmen of the World, in the State of Florida, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. DEPEW presented a petition of the Oswego County Pomona Grange, of New York, praying for the continuance of the present Rural Free Delivery Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Steuben County Pomona Grange, of Addison, N. Y., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Columbus Camp, No. 147, Woodmen of the World, of New York City, N. Y., and a petition of Capitol Camp, No. 181, Woodmen of the World, of Brooklyn, N. Y., 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 memorial of the Fifth Assembly District Republican Committee, of Brooklyn, N. Y., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the United States Customs Employees' Benevolent Association of the Port of New York, praying for the enactment of legislation providing for an increase of the pay of clerks and employees of the Government, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of sundry citizens of Ticonderoga, N. Y., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the Flushing Association, of Flushing, N. Y., praying for the passage of the so-called children's bureau bill, which was ordered to lie on the table.

He also presented a petition of Luther M. Wheeler Post, No. 92, Department of New York, Grand Army of the Republic, of Saratoga Springs, N. Y., praying that pensions be granted to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of New York, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Central Trades and Labor Assembly of Syracuse, N. Y., remonstrating against the treatment accorded certain cigar makers in conflict with the Clear Havana Cigar Makers' Association in Tampa, Fla., which was referred to the Committee on Education and Labor.

Mr. WETMORE. I present a resolution adopted by the legislature of Rhode Island, which I ask may be printed in the Record and referred to the Committee on Commerce.

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

State of Rhode Island, in General Assembly, January session, A. D. 1911. Resolution requesting the Senators and Representatives in Congress from Rhode Island to urge the present Congress to pass Senate bill 5677, Sixty-first Congress, second session, "To promote the efficiency of the Life-Saving Service."

Whereas the State of Rhode Island, bounded on the south by the Atlantic Ocean and including within its area Narragansett Bay, has had, from the earliest days of her commercial history, a particular interest in the Life-Saving Service; and

Whereas it is of the greatest importance to the people and the maritime interests of Rhode Island that the Life-Saving Service be kept in the future at the high standard of efficiency which has marked its work and methods in the past; and

Whereas the creation of a retired list of members of the field force of the service who has served for 30 years or have reached the age of 64 years, and the establishment of a graded scale of pay, based upon length of service, are two provisions which are indispensable to the efficiency of the service, and are justly due to officers and men who have spent the best years of their lives and perhaps become incapacitated in the faithful performance of a most arduous and hazardous duty; and

Whereas Hon. Franklin MacVeagh, Secretary of the Treasury, submitted to the chairman of the Committee on Commerce of the United States Senate a report approving the proposed legislation and "earnestly recommending" its adoption, and the bill, on June 25, 1910, was passed by the Senate and is now pending in the House of Representatives: Therefore, be it

Resolved by the general assembly of the State of Rhode Island, That the Senators and Representatives of the State in the Congress of the United States be, and are hereby, requested to urge the passage of said bill (S. 5677) by the House at the present session of Congress, and that the secretary of state be, and he hereby is, instructed to send a certified copy of this resolution to the Senators and Representatives in Congress from Rhode Island.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, January 6, 1911.

I hereby certify the foregoing to be a true copy of the original resolution passed in concurrence by the house of representatives January 6, 1911, and approved by his excellency the same day.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid, the day and year first above written.

[SEAL.]

J. FRED PARKER,
Secretary of State.

Mr. WETMORE presented a petition of Local Lodge No. 147, International Association of Machinists, of Providence, R. I., and a petition of Local Union No. 15, Painters, Decorators, and Paperhangers' Union, of Pawtucket, R. I., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. CURTIS presented a memorial of sundry citizens of Glen Elder, Kans., and a memorial of sundry citizens of Blue Rapids, Kans., remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Lincoln Post, No. 1, Grand Army of the Republic, Department of Kansas, of Topeka, Kans., praying for the creation of a volunteer officers' retired list, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Clyde, Kans., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on Interstate Commerce.

Mr. PERKINS presented a petition of the Boys' Division of the Young Men's Christian Association, of San Francisco, Cal., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a memorial of sundry citizens and business men of Central City, Nebr., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for the enactment of legislation providing for the issuance of free transfers by the Washington Railway & Electric Co. at Fifteenth and H Streets NE., city of Washington, which were referred to the Committee on the District of Columbia.

Mr. SHIVELY presented a petition of Local Camp No. 141, Woodmen of the World, of River Park, Ind., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Emmet Club, of South Bend, Ind., remonstrating against the language used by Commander Sims, United States Navy, in a public address in London December 3, 1910, pledging the loyalty of all Americans to England, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Indiana Yearly Meeting of Friends, of Richmond, Ind., remonstrating against any increase being made in the appropriation for the maintenance of the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Indiana Yearly Meeting of Friends, of Richmond, Ind., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Crescendo Club, of Alexandria, Ind., and a petition of the Ladies' Art Club, of Anderson, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

Mr. JONES presented a petition of the Ladies' Literary Club, of Kennewick, Wash., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Whatcom County Grocers' Association, of Washington, 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 Cashmere, Wash., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Lodge No. 1377, of Brush Prairie; Local Lodge No. 1003, of Spokane; Local Lodge No. 911, of North Yakima; Local Lodge No. 1494, of Walla Walla; Local Lodge No. 958, of Everett; and of Local Lodge No. 1188, of Tacoma, all of the Modern Brotherhood of America, in the State of Washington, 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 Commercial Club of Wapato, Wash., praying that an appropriation of \$100,000 be made for the repair of the highways on the Yakima Indian Reservation, which was referred to the Committee on Indian Affairs.

Mr. GAMBLE presented petitions of sundry citizens of Aberdeen, Brookings, Castlewood, Faulkton, Ipswich, Lemmon, Lake Andes, Mount Vernon, Milbank, Orient, and Wessington Springs, all in the State of South Dakota, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

He also presented a petition of the Ben Franklin Club, of Sioux Falls, S. Dak., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of the National Machine Tool Builders' Association, praying for the creation of a court of patent appeals, which was referred to the Committee on Patents.

He also presented a memorial of the State Business Men's Association of Connecticut, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Park City Camp, Woodmen of the World, of Bridgeport, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Elias Howe, jr., Post, No. 3, Department of Connecticut, Grand Army of the Republic, of Bridgeport, Conn., praying for the adoption of a certain amendment to the pension laws relative to Civil War veterans, which was referred to the Committee on Pensions.

He also presented a petition of the Baptist Association of New London, Conn., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on Interstate Commerce.

Mr. BROWN presented a petition of the Commercial Club of Omaha, Nebr., praying for the adoption of a certain amendment to the maritime laws relative to the carrying of mail, which was referred to the Committee on Commerce.

He also presented a petition of the Ben Franklin Club, of Lincoln, Nebr., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Council No. 329, United Commercial Travelers' Association, of Columbus, Nebr., and a memorial of the Retail Dealers' Association of Seward, Nebr., remonstrating against the passage of the parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. HALE presented a memorial of the Board of Trade of Portland, Me., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented a petition of Diamond Camp, No. 1, Woodmen of the World, of Wilmington, Del., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. DICK presented memorials of sundry citizens of Chardon and Arcanum, in the State of Ohio, remonstrating against the establishment of a rural parcels post and delivery service, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry business firms of Cincinnati and Cleveland, in the State of Ohio, praying for the enactment of legislation to provide an allowance for loss of distilled spirits deposited in internal-revenue bonded warehouses, which were referred to the Committee on Finance.

He also presented memorials of the Leetonia Coal Co., of McKeefrey & Co., of the Grafton Supply Co., of the Salem Iron Co., of Leetonia; of the Ohio State University, of Feibel Bros., of the Throop-Martin Co., of the Busy Bee Candy Kitchen Co., of C. R. Swickard, of the Ohio State Stove Co., of C. H. Sutphen, of New York Coal Co., of the Dominion Land Co., of Columbus; of the Children's Home, of Ryan Ideal Stain & Blacking Co., of the Pennsylvania Mutual Life Insurance Co., and of the Freiberg & Workum Co., of Cincinnati, all in the State of Ohio, remonstrating against the enactment of legisla-

tion to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. ELKINS presented the memorial of Mrs. Eugene Van Rensselaer, vice regent of the Mount Vernon Ladies' Association for West Virginia, remonstrating against the establishment of a criminal reformatory for the District of Columbia on what is known as the Belvoir or White House tract of land in Virginia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Merchants' Association of Grafton, W. Va., praying for the repeal of the present bankruptcy law, which was ordered to lie on the table.

He also presented a petition of Laurel Camp, No. 22, Woodmen of the World, of Terra Alta, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Typographical Union No. 533, of Huntington, W. Va., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Niagara Alkali Co., of Niagara Falls, N. Y., praying that a duty of at least 2 cents per pound be placed on muriate of potash, which was referred to the Committee on Finance.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 8987) granting an increase of pension to Wesley A. Maze, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 9321) granting an increase of pension to William Q. Mahan, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 8984) granting an increase of pension to Erastus Smith, which were referred to the Committee on Pensions.

He also presented sundry affidavits in support of the bill (S. 8983) granting an increase of pension to Jacob B. Mowry, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (H. R. 25235) to provide for the sale of lands acquired under the provisions of the reclamation act and which are not needed for the purposes of that act, reported it without amendment and submitted a report (No. 963) thereon.

Mr. BURROWS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 9935) authorizing a parcels-post service on rural routes, reported it without amendment and submitted a report (No. 964) thereon.

Mr. DAVIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 18588) to correct the title to certain lands in the Creek Nation, Okla., sold under order of the United States court, submitted an adverse report (No. 966) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. DIXON, from the Committee on Public Lands, to which was referred the bill (S. 7713) relating to rights of way through certain reservations and other public lands, reported it with amendments and submitted a report (No. 967) thereon.

Mr. FRYE, from the Committee on Commerce, to which was referred the bill (S. 9909) to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Public Health and National Quarantine, which was agreed to.

LOTTIE W. DUNN.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 317, submitted by Mr. Briggs on the 11th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Lottie W. Dunn, widow of William B. Dunn, late a member of the Capitol police force, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HEIRS OF CHARLES F. ATWOOD AND ZIBA H. NICKERSON.

Mr. KEAN. I am directed by the Committee on Claims, to which was referred the bill (S. 3897) for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson, to report it favor-

ably with an amendment, and I submit a report (No. 965) thereon. The bill is very brief, and I ask for its present consideration.

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

The amendment was to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Charles F. Atwood, of Boston, Mass., and Ziba H. Nickerson, of Lynn, Mass., employees of the Treasury Department, a sum equal to one year's salary at the rate each was receiving at the time of his demise, said sum to be considered as full compensation for their death in the performance of their regular duties on July 16, 1908.

The amendment was agreed to.

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

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

BILLS INTRODUCED.

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

By Mr. CULLOM:

A bill (S. 10171) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States;" to the Committee on Foreign Relations.

A bill (S. 10172) for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy; to the Committee on Naval Affairs.

A bill (S. 10173) for the relief of William Ioder and others; to the Committee on Claims.

A bill (S. 10174) granting an increase of pension to William Evans (with accompanying papers); and

A bill (S. 10175) granting a pension to Rosalie Thomas Draper (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 10176) for the relief of W. B. Horn (with accompanying paper); to the Committee on Post Offices and Post Roads.

By Mr. FRYE:

A bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes; to the Committee on Commerce.

A bill (S. 10178) granting an increase of pension to Charlotte Johnson;

A bill (S. 10179) granting an increase of pension to Delia Rich; and

A bill (S. 10180) granting an increase of pension to George W. Ranger; to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 10181) granting an increase of pension to Mary Doyle;

A bill (S. 10182) granting an increase of pension to James W. Lesh; and

A bill (S. 10183) granting an increase of pension to John Goldsmith (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN (by request):

A bill (S. 10184) for the relief of Mary A. Dickenson and others as the heirs at law of Owen Grant, deceased; to the Committee on Military Affairs.

By Mr. MONEY:

A bill (S. 10185) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

By Mr. SCOTT:

A bill (S. 10186) granting an increase of pension to Joseph G. Ross (with accompanying paper); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 10187) granting an increase of pension to Phillip Lucas (with accompanying paper); to the Committee on Pensions.

By Mr. DAVIS:

A bill (S. 10188) granting an increase of pension to S. R. Price; to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 10189) to amend an act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSTON:

A bill (S. 10190) to authorize the appointment of Charles J. T. Clarke as major of infantry in the United States Army; to the Committee on Military Affairs.

By Mr. CRAWFORD:

A bill (S. 10191) granting an increase of pension to Samuel Smith (with accompanying papers);

A bill (S. 10192) granting an increase of pension to John Powers (with accompanying paper);

A bill (S. 10193) granting an increase of pension to Charles M. Merritt (with accompanying paper);

A bill (S. 10194) granting a pension to William J. Marshall (with accompanying paper);

A bill (S. 10195) granting an increase of pension to Jacob Mathews (with accompanying paper); and

A bill (S. 10196) granting an increase of pension to George W. Carpenter (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 10197) granting an increase of pension to George W. Kuster;

A bill (S. 10198) granting an increase of pension to Alexander Noble;

A bill (S. 10199) granting an increase of pension to George W. Fouts; and

A bill (S. 10200) granting an increase of pension to Joseph Van Nest; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 10201) to fix the salaries of certain judges of the United States; to the Committee on the Judiciary.

By Mr. BURNHAM:

A bill (S. 10202) granting an increase of pension to William P. D. Foss; to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 10203) for the relief of John Lynn; to the Committee on Military Affairs.

A bill (S. 10204) granting an increase of pension to Grace V. D. Spencer (with accompanying paper); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 10205) permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency; to the Committee on the Judiciary.

A bill (S. 10206) granting an increase of pension to John T. Huff; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 10207) to provide for the punishment of certain crimes against the United States; to the Committee on the Judiciary.

By Mr. WARREN:

A bill (S. 10208) authorizing the resurvey of certain lands in the State of Wyoming; to the Committee on Public Lands.

By Mr. CLAPP:

A bill (S. 10209) granting an increase of pension to David N. Jenkins; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 10210) to direct the construction of a lightship and its maintenance near Orford Reef, off Cape Blanco, Oreg.; to the Committee on Commerce.

By Mr. PERKINS:

A bill (S. 10211) granting a pension to Blandina P. Babcock; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 10212) granting an increase of pension to Karl Somerlatt (with accompanying paper);

A bill (S. 10213) granting an increase of pension to Albert H. Heath (with accompanying paper);

A bill (S. 10214) granting an increase of pension to Cyrus N. Doom (with accompanying paper);

A bill (S. 10215) granting an increase of pension to Samuel Curtis (with accompanying paper);

A bill (S. 10216) granting a pension to Harriet Bockerman (with accompanying paper); and

A bill (S. 10217) granting an increase of pension to William Akin (with accompanying paper); to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 10218) granting an increase of pension to Charles C. Hanford (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 10219) granting an increase of pension to William A. Shrs; and

A bill (S. 10220) granting an increase of pension to William Comstock (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 10221) authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston; to the Committee on Immigration.

By Mr. DILLINGHAM:

A bill (S. 10222) granting an increase of pension to George W. McAllister (with accompanying papers); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 10223) for the relief of G. L. Taneyhill (with accompanying paper); to the Committee on Military Affairs.

By Mr. SMITH of Michigan:

A bill (S. 10224) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Commerce.

By Mr. DICK:

A bill (S. 10225) granting an increase of pension to Wells Minor;

A bill (S. 10226) granting an increase of pension to George F. Wonder;

A bill (S. 10227) granting an increase of pension to Jerome F. Dandeleit;

A bill (S. 10228) granting an increase of pension to Noyes S. Lee;

A bill (S. 10229) granting an increase of pension to John K. Myers;

A bill (S. 10230) granting a pension to Ann Wyckoff;

A bill (S. 10231) granting an increase of pension to Katharine Lange;

A bill (S. 10232) granting an increase of pension to Aaron Sherman; and

A bill (S. 10233) granting an increase of pension to Louis Keller; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 10234) granting an increase of pension to Olive D. St. Sure Lindsfelt; and

A bill (S. 10235) granting an increase of pension to Wallen L. Daniels; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 10236) granting an increase of pension to John C. Backum (with accompanying papers); and

A bill (S. 10237) granting an increase of pension to Charles H. McCarroll (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 10238) for the relief of the Winchester Repeating Arms Co.; to the Committee on Claims.

A bill (S. 10239) granting an increase of pension to Jane De Graw;

A bill (S. 10240) granting an increase of pension to Virginia H. Morgan;

A bill (S. 10241) granting an increase of pension to Ellen E. Payne;

A bill (S. 10242) granting an increase of pension to William H. Bogue;

A bill (S. 10243) granting an increase of pension to Thomas D. Sheffield;

A bill (S. 10244) granting an increase of pension to James Tucker;

A bill (S. 10245) granting an increase of pension to Julia Adams; and

A bill (S. 10246) granting an increase of pension to Ransford P. Williams; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TALIAFERRO submitted an amendment providing for a survey of Clearwater Harbor, from the mouth of the Anclote River to the channel, etc., Florida, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate \$3,000 for the salary of a chief clerk and ex-officio superintendent of buildings, Department of Justice, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate \$100,000 for the construction and improvement of wagon roads on the Yakima Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate \$27,781 for improving Zippel Bay, Lake of the Woods, Minn., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$25,000 for the construction of a bridge across the Duchesne River and the Strawberry River at or near Theodore, Utah, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the salary of the assistant clerk of printing records from \$1,440 to \$1,800, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STONE submitted an amendment proposing to appropriate \$2,050,000 for improving the Missouri River, between Kansas City and the mouth of the river, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate \$1,800 for the salary of James F. Edwards, special messenger, United States Senate, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OLIVER submitted an amendment relative to the survey of the Delaware River at Morrisville, Pa., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate \$200,000 for the improvement of the Connecticut River, from the City of Hartford to Long Island Sound, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 29157) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, which was ordered to lie on the table and to be printed.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Revision of the Laws of the United States and ordered to be printed.

WORLD'S PANAMA EXPOSITION.

Mr. SWANSON. I submit an amendment intended to be proposed to the joint resolution (S. J. Res. 100) authorizing the President to invite foreign countries to participate in the World's Panama Exposition in 1915 at New Orleans, La. The amendment provides that the President in inviting foreign nations to participate in the proposed World's Panama Exposition shall invite their representatives and fleets to rendezvous at Hampton Roads, Va. I move that the amendment be printed and referred to the Committee on Industrial Expositions.

The motion was agreed to.

SUPPRESSION OF TRAFFIC IN INTOXICANTS AMONG INDIANS.

Mr. GALLINGER submitted the following resolution (S. Res. 319), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate the annual report for the year ending June 30, 1910, to the Commissioner of Indian Affairs of the chief special officer for the suppression of the traffic in intoxicants among Indians.

LAWS AND CODES OF PORTO RICO.

Mr. DEPEW submitted the following resolution (S. Res. 320), which, with the accompanying paper, was referred to the Committee on Printing:

Resolved, That the compilation of the Laws and Codes of Porto Rico with indices be printed as a public document.

STENOGRAPHER FOR COMMITTEE ON INDIAN DEPREDACTIONS.

Mr. CURTIS submitted the following resolution (S. Res. 321), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Depredations be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,200 per annum, said employment to continue during the Sixty-second Congress.

HOUSE BILL REFERRED.

H. R. 29360. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE CALENDAR.

The VICE PRESIDENT. Morning business is closed, and the calendar under Rule VIII is in order.

The bill (S. 3528) to reimburse depositors of the Freedmen's Saving & Trust Co. was announced as first in order on the calendar.

Mr. MONEY. I should like to have the bill go over to another day.

The VICE PRESIDENT. It will go over.

The next business on the calendar was the concurrent resolution (S. C. Res. 16) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, etc.

Mr. HEYBURN. I ask that that may go over.

The VICE PRESIDENT. The concurrent resolution will go over.

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

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

The VICE PRESIDENT. It will go over.

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

Mr. CURTIS. I ask that the bill may go over, under Rule IX.

The VICE PRESIDENT. Without objection, that order will be entered.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, we are spending some time going over and over the bills under Rule VIII, and inasmuch as the silence of Members would indicate that they do not desire to take up for discussion any other matters this morning, it seems to me that we might very profitably for a little bit take up the bill (S. 7031) to codify and revise the laws. At the last session we more than half completed this work, and it is work of the utmost importance.

If the Senate will give a little time to-day and perhaps a little time on another day we will finish the consideration of the bill. It is being considered in another branch. They are about keeping pace with us. It is very desirable that the work of the commission and of the committee should not be lost, and it would naturally at the end of this Congress be in a position where it would have to be commenced over again. If the Senate will be patient with me for an hour or two, I think we can finish the work.

The VICE PRESIDENT. The Senator from Idaho asks for the present consideration of the bill?

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. MONEY. I have been trying to get the attention of the Chair. I do not know what is going on. I could not hear the Senator from Idaho.

The VICE PRESIDENT. The Chair will state that the Senator from Idaho has asked unanimous consent for the present consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. HEYBURN. I should like to say, for the benefit of the Senator from Mississippi [Mr. MONEY], that I made the statement that the work of the consideration of this measure has been more than half completed and that the measure is progressing in another body at about the same rate. It represents the work of a commission and of committees of this Senate for several years. If I can have an hour or two, I think we can complete it. There are no serious controversies about it.

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

Mr. BACON. Mr. President—

Mr. MONEY. I want to say, in reply to the Senator from Idaho, that I simply desired to know what he was trying to obtain consent for the consideration of. I myself have no objection to the consideration of the bill.

Mr. CULBERSON. Mr. President, I will ask if the Senator from Idaho did not suggest that he did not intend to ask for the final disposition of the bill to-day.

Mr. HEYBURN. I would not ask that we occupy the day in the consideration of the bill. I would only ask that we occupy enough time to make some progress.

Mr. CULBERSON. The question whether there would be objection would depend upon whether the Senator wants to dispose of the bill to-day.

Mr. HEYBURN. I do not desire to dispose of it to-day, but I think the Senator from Texas will, upon the statement of the reasons, appreciate the wisdom of taking up the bill.

Mr. BACON. Mr. President, there can be no more serious and grave matter before this body than the bill to which the Senator from Idaho refers. I am perfectly willing that it shall be taken up at a very early day and proceeded with expeditiously, but the Senator is mistaken in saying that there are no serious controversies in it. There are some very serious controversies in it, especially that with reference to the organization of the courts, where very serious fundamental and radical changes are proposed, to which a great portion of the bar of the country, as evidenced by the expression in their national bar association, are very much opposed. I suggest to the Senator from Idaho, in view of the gravity of it, that he give notice of a particular day when he proposes to call up the bill. Some of us, meaning myself and other Senators sitting around me, have suggested that we have—

Mr. HEYBURN. If the Senator from Georgia will permit me, I desire to be definitely understood. I do not expect to ask that the bill be disposed of to-day, but I have introduced an amendment which covers the entire Chapter V of the existing judiciary act, which merely designates and defines the judicial districts. That is brought right up to this hour and includes the legislation that has been enacted by piecemeal over many years. I call the bill up to-day for the purpose of having that amendment passed upon. I have not the slightest doubt but that it will be adopted within 15 minutes, because the only changes that are made are those that are made agreeably to the wishes of Senators from the particular States where those changes have been made in the organization of the judicial districts. I had that amendment printed and laid upon each Senator's desk the day before yesterday, in order that they might look it over. Some Senators have already suggested changes which they desire, and, on behalf of the committee, I shall not object to any of those suggestions, because, if such changes are agreeable to the Senators from the State, they are agreeable to the committee. We only want to fix Chapter V as having been adopted, and give it a status, not only because it ought to be done, but because it is important in another place where this measure is being considered. I can assure the Senator that the bill will not occupy any time, and if there is any change the Senator desires made in his own State, there will be no objection to it.

Mr. SUTHERLAND. Mr. President, I suppose the portion of the bill to which the Senator from Georgia [Mr. BACON] refers is that conferring original jurisdiction upon the district court alone and taking away that of the circuit court.

Mr. BACON. It is difficult to hear the Senator from Utah.

Mr. SUTHERLAND. I understood the Senator from Georgia to say that there would be serious objection to some portions of this bill, and my understanding is that the particular portion of the bill to which the Senator refers is that which undertakes to consolidate the original jurisdiction now exercised by the circuit and district courts of the United States upon the district courts alone. Am I correct about that?

Mr. BACON. That is one objection, but I will say to the Senator from Utah that I have had a number of letters from judges, from officers of the courts, and from members of the bar upon various provisions in this proposed bill. We have had no anticipation of its coming up, and I am not prepared to go on with the bill this morning. The Senator from Idaho suggests that we go on with the consideration of the bill, but that it be not now disposed of. We desire to be in a position to properly consider it as we go on, and not to have to take it up de novo after it has been acted upon. As I have said, I am not simply voicing my own view, but I have heard similar expressions from Senators sitting around me. I am perfectly willing for the Senator from Idaho to say that on any particular day he will call up the bill. I do not care what day he may suggest.

Mr. SUTHERLAND. Mr. President, I think, when we come to consider this bill, the Senator from Georgia will find that these protests are being made under a misapprehension as to precisely what the bill does provide. I think the misapprehension consists in the belief that the circuit judges will be prevented from hereafter sitting upon the trial bench. The bill does not undertake to do that at all. The bill simply consolidates the original jurisdiction in a court to be called the district court. For myself I can see no earthly reason why we should have two courts of original jurisdiction; but we have provided in the bill, with the utmost flexibility, for the circuit judges sitting in the district court as trial judges. I think, when we come to consider the bill, the Senator from Georgia will find that these protests are made under that misapprehension.

Mr. BACON. Possibly, but we are not prepared now to look into that.

Mr. HEYBURN. Now, Mr. President, if I may have the attention of the Senator for a moment, that portion of the bill covering the question presented has been—

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. In a moment, if the Senator will allow me to make a statement which is absolutely necessary to be made.

That portion of the bill to which the Senator from Georgia refers has been passed over, and would not be taken up for consideration to-day, or perhaps until the conclusion of the consideration of the other parts of the bill, so that the Senator may have no apprehension that we will be forced to consider that question. On motion of the Senator from Georgia [Mr. BACON] we passed it over, and it will remain in that condition until we have considered the other portions of the bill.

Mr. BACON. Mr. President, I repeat that I am perfectly willing—

Mr. BORAH. Mr. President—

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

Mr. HEYBURN. I have already yielded to the Senator from Georgia [Mr. BACON], and until he has concluded I can not, without his consent, very well yield to my colleague.

Mr. BACON. I do not want to cut off the junior Senator from Idaho [Mr. BORAH]. I was about to make an objection, but I will withdraw it for the present.

Mr. BORAH. Mr. President, the regular order is the calendar under Rule VIII. There are a number of bills under Rule VIII that some of us are very much interested in. I therefore ask for the regular order.

The PRESIDING OFFICER. Unanimous consent not having been given to the request of the Senator from Idaho [Mr. HEYBURN], the Senate will proceed with the consideration of the calendar under Rule VIII.

BILLS PASSED OVER.

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

Mr. CURTIS. I ask that that bill go over under Rule IX.

Mr. CLAPP. I would suggest, in the absence of the Senator in charge of that measure [Mr. OWEN], that it be simply passed over now and that the request to put it under Rule IX be made when he is present.

Mr. CURTIS. But I may not then be present.

Mr. CLAPP. I will see to that.

The VICE PRESIDENT. The bill will be passed over.

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

Mr. HEYBURN. I ask that that bill go over.

The VICE PRESIDENT. The bill will go over.

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

Mr. BURKETT. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

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

Mr. OVERMAN. Let that bill go over under Rule IX.

The VICE PRESIDENT. Is there objection to putting the bill on the calendar under Rule IX?

Mr. SMOOT. I ask the Senator from North Carolina to simply allow the bill to go over, as the chairman of the Committee on Post Offices and Post Roads is not here.

Mr. OVERMAN. Very well.

The VICE PRESIDENT. The bill will go over.

The bill (S. 7180) authorizing the Secretary of War to return to the governor of Louisiana certain bonds of the State of Louisiana and city of New Orleans was announced as next in order.

Mr. HEYBURN. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 7902) to promote the science and practice of forestry by the establishment of the Morton Institution of Agriculture and Forestry as a memorial to the late J. Sterling Morton, former Secretary of Agriculture, was announced as next in order.

Mr. HEYBURN. I ask that that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 6823) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Pawnee tribe of Indians against the United States was announced as next in order.

Mr. KEAN. Let that bill go over.

The VICE PRESIDENT. The bill will go over at the request of the Senator from New Jersey.

The bill (S. 7648) to correct the military record of Charles J. Smith was announced as next in order.

Mr. JOHNSTON. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 3719) for the appointment of a national commission for the conservation of natural resources and defining its duties was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 6991) to authorize the compilation of the military and naval records of the Revolutionary War with a view to their publication was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over at the request of the Senator from New Hampshire.

The bill (S. 8008) granting to Savanna Coal Co. right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes, was announced as next in order.

Mr. KEAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 21481) to amend section 4916 of the Revised Statutes relating to patents was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

QUO WARRANTO PROCEEDINGS AND NATIONAL BANKS.

The bill (H. R. 22317) to authorize quo warranto proceedings in regard to offices in national banks was considered as in Committee of the Whole.

The VICE PRESIDENT. The bill has twice been heretofore read in full. If there be no objection, it will not be again read.

Mr. KEAN. Mr. President, I ask the Senator from New York [Mr. DEPEW] to explain the necessity for this bill. As I understand, it is drawn to cover one case alone, and only one case of the kind has ever occurred in the United States.

Mr. DEPEW. Mr. President, it is a bill which was drawn by the Attorney General, sent to the House of Representatives, passed there unanimously, and then unanimously reported by the Judiciary Committee of the Senate. It is to meet a case that could not be met in any other way, and which was likely to arise at any time when similar conditions prevailed.

Mr. HALE and Mr. KEAN. What is the case?

Mr. DEPEW. Mr. President, I have not at hand the report of the committee in this case. I ask that the bill be again read.

The VICE PRESIDENT. Without objection, the Secretary will again read the bill.

The Secretary again read the bill.

Mr. DEPEW. Mr. President, I recall now that under the national banking law, where conditions arise under which a director holds office to which he is not entitled, he can not be removed. There is no method by which he can be removed. A case happened to arise where the directors insisted upon retaining their positions, though they were not really entitled to them. This bill is to enable the Attorney General and the banking department to test the right of a director to his office where that right is questioned.

Mr. BACON and Mr. HEYBURN addressed the Chair.

The VICE PRESIDENT. The Senator from Georgia first addressed the Chair.

Mr. BACON. I yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, if the bill went no further than that there could be no objection to it. What the Senator from New York has said is stated in the first clause of the bill; but it further provides, commencing on line 5:

Or any officer of a national banking association shall have done or suffered any act which by the provisions of law works a forfeiture of his office, the Attorney General, at his discretion, either of his own motion or at the instance of any individual relator, may direct the United States attorney—

The first portion of this bill, which provides that in case any person shall "usurp, intrude into, or unlawfully hold or exercise any office," and so forth, doubtless has merit. Those are the ordinary conditions, and I doubt if any legislation is necessary in order to authorize a suit to be brought for the purpose of determining his right to hold office. But the next provision goes to the question of his conduct in office. The stockholders of the national bank have elected this man trustee, and they do not controvert the validity of his election or his right to hold under his election. It would not, in my judgment, be right to allow the Attorney General to overrule the vote of the stockholders who have elected a trustee in a national bank because the Attorney General did not think that he was performing his duty well, when he might be performing his duty in entire accord with the views of the stockholders who elected him. So I think the bill goes too far.

There is already a remedy in the first case, and in the second case the Government is not the party to move. The stockholders have the inherent power to deal with that question. They can deal with it by outvoting him. If a majority of the stockholders agree that a certain measure is proper which the Attorney General may think is not proper, then the question would be not between some individuals, but between a majority of the stockholders and the Attorney General. I do not think that the bill, being unaccompanied by any report, is in shape for enactment at this time.

Mr. BACON. Mr. President, I do not recall the time when the bill was acted upon by the committee. It did not have my personal attention or I do not think I should have favored it. My criticism upon it is one of a more general character than that made by the Senator from Idaho. The general rule, and so far as I know the universal rule, is that quo warranto proceedings are limited to public officers, challenging the right to tenure of office of one holding a public office or assuming to hold it.

A bank director is not a public officer, and the criticism I should make upon the bill is that it is a very radical innovation upon the general rule governing the procedure of quo warranto. There is good reason why there should be some remedy, of course, where one assumes to be an officer of a national bank when he really has no right to the position. But it seems to me that it would be much better corrected by an amendment of the national banking law. Certainly the Government can provide some remedy, and I am reluctant to give my consent to the bill because I do not wish to make an innovation which there is no reason to presume will stop at the case of a national-bank officer. It will be extended to officers of private institutions, and I think we should allow the very ancient and honorable writ of quo warranto to remain within the limitations it has been recognized to have for centuries. For myself I do not desire to see any change.

Mr. DEPEW. I ask the Secretary to read the letter of the Attorney General, which I send to the desk.

Mr. BURKETT. All I was about to rise to suggest was that this matter ought to go over. But since the Senator has a report on it here from the department I will withhold the suggestion.

The VICE PRESIDENT. Without objection, the Secretary will read the letter from the Attorney General, now presented by the Senator from New York.

The Secretary read as follows:

A very curious question has just been brought to my attention where application is made by one of the United States attorneys to institute a proceedings for writ of quo warranto against certain directors of a national bank, who, it is claimed, were not lawfully elected, and where, under the statutes, apparently, there is no remedy on the part of the board who claim to have been originally elected, or of the stockholders, to any relief at law. It is a case that is apparently overlooked in the banking act.

I send you a copy of a very careful memorandum of the law on the subject, which has been prepared by Mr. Wrisley Brown, an attorney employed in this department, who is familiar with the national banking law; and it appears from his memorandum, which I have examined, and in which I concur, that there is no power in the Department of Justice to take any action in such an exigency. In order to meet this anomalous condition of affairs I have drafted a bill vesting in the Attorney General the right to bring quo warranto proceedings under the circumstances. In view of the large powers vested in the Comptroller of the Currency under the banking law, it may be thought better to put this power in the comptroller, but I find that it has been the

practice from time immemorial to vest the discretion to institute such proceedings in the Attorney General, and I have therefore drafted the bill in that way.

The VICE PRESIDENT. Does the Senator from Nebraska object?

Mr. BURKETT. It seems to me this bill had better go over. The VICE PRESIDENT. The bill goes over.

MEASURES PASSED OVER.

The resolution (S. Res. 257) that the Committee on Privileges and Elections be discharged from further consideration of Senate joint resolution 41, proposing an amendment to the Constitution of the United States, was announced as the next business on the calendar.

Mr. KEAN. Let the resolution go over.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 7724) to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia was announced as next in order.

Mr. HEYBURN and Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill goes over.

ENGINEER CORPS OF THE UNITED STATES ARMY.

The bill (H. R. 7117) to increase the efficiency of the Engineer Corps of the United States Army was announced as the next business on the calendar.

Mr. DIXON. I shall not raise an objection to the present consideration of the bill if the chairman of the committee is willing in his wisdom to strike out the proviso on page 3.

Mr. WARREN. If the Senator from Montana will permit, me, the Senator from Texas, not now in the Chamber—

Mr. BAILEY. The Senator from Texas is here.

Mr. WARREN. I beg pardon. The bill relating to the efficiency of the Engineer Corps of the Army has come up on the calendar in its regular place.

Mr. BAILEY. I ask that it go over.

The VICE PRESIDENT. The bill will go over.

Mr. WARREN. Permit me to make a brief statement. I shall endeavor at a very early time, within a day or two, if possible, to call up the bill for consideration, and I take this method of notifying the friends and those who may not be friendly to the bill, so that they may be prepared for its consideration.

Mr. BAILEY. I rejoice that all the time occupied in trying to pass this bill is so much time wasted.

ADDITIONAL PROTECTION TO OWNERS OF PATENTS.

The VICE PRESIDENT. The Secretary will report the next bill on the calendar.

The bill (S. 1745) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, was announced as the next business on the calendar.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. BROWN. I ask the Senator to withhold the objection and to let the bill be read. It is a very short one—only four lines.

The VICE PRESIDENT. Does the Senator from North Carolina temporarily withhold his objection?

Mr. OVERMAN. Yes.

The Secretary read the bill, which had been reported from the Committee on Patents with an amendment to strike out all after the enacting clause and insert:

That actions at law may hereafter be brought against the United States in the Court of Claims to recover any damages which may hereafter be sustained on account of infringement by the United States of letters patent.

Mr. BROWN. I ask the Senator objecting to the consideration of the bill to withdraw his objection. The bill only proposes to provide a remedy which everybody concedes is right and proper.

Mr. KEAN. I should like to inquire of the Senator from Nebraska if he will permit me—

Mr. BROWN. As the law now stands the holder of letters patent may have his rights infringed and his property abused, and there is no remedy at all.

Mr. OVERMAN. May I ask the Senator a question?

Mr. BROWN. In a moment. This bill simply provides a remedy in our own court, where the claimant can be heard as to whether or not he has been wronged.

Mr. OVERMAN. Will the Senator yield to me for a question? Does not the bill change what has been the policy of this Government for a hundred years?

Mr. BROWN. The bill changes the policy in that heretofore no remedy has existed, and this bill creates one.

Mr. KEAN. I should like to ask the Senator from Nebraska if he has lately examined the statutes of the United States on this subject, because I think he will find that we have already passed this provision and that it is a law, and this proposes very little change in it.

Mr. BROWN. I think the Senator is mistaken about that. I hope the Senator from North Carolina will not insist on his objection.

The VICE PRESIDENT. The Senator from North Carolina asks that the bill go over. The bill goes over.

MEASURES PASSED OVER.

The resolution (S. Res. 262) to discharge the Committee on the Judiciary from further consideration of Senate joint resolution 50, proposing an amendment to the Constitution respecting the election of United States Senators, was announced as next in order.

Mr. NELSON. Let the resolution go over.

The VICE PRESIDENT. The resolution goes over.

The bill (S. 6970) to codify, revise, and amend the postal laws of the United States was announced as the next business on the calendar.

Mr. HEYBURN. Let the bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (H. R. 11798) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, was announced as next in order.

Mr. BURTON. A day has been set for a vote on the bill. Let it go over for the present.

The VICE PRESIDENT. The bill goes over.

The bill (H. R. 2300) to provide a civil government for Porto Rico, and for other purposes, was announced as the next business on the calendar.

Mr. DEPEW. Let the bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 8875) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries, in the State of Oregon, was announced as next in order.

Mr. BOURNE. Let the bill go over.

The VICE PRESIDENT. The bill goes over.

CIVILIAN EMPLOYEES IN ARMY STAFF DEPARTMENTS.

The bill (S. 9469) to amend an act entitled "An act to amend section 4843 of the Revised Statutes," approved February 9, 1900, was considered as in Committee of the Whole. It proposes to amend section 4843 of the Revised Statutes by striking out lines 8, 9, and 10 and inserting in lieu thereof the following:

Second. Civilians employed by the several Staff Departments of the Army who may be, or may hereafter become, insane in such employment, and who have no legal residence at any place within the territorial limits of the United States.

Mr. CARTER. I desire to inquire of the Senator having the bill in charge how these lines would be identified in different prints. I presume the reference is made to the print in the Statutes at Large, and therefore might be readily identified, but in the print of the bill as it appears in the document room of the Senate, which is generally a smaller print, the lines might not be identical with those appearing in lines 9, 10, and so forth, of the Statutes at Large.

Then, again, in case of the codification of the law, the lines might represent a different text numbered according to this amending bill.

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

INDIAN APPROPRIATION BILL.

The bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, was announced as the next business in order.

Mr. CLAPP. Let the bill go over.

The VICE PRESIDENT. It will go over.

REMOVAL OF SNOW AND ICE IN THE DISTRICT.

The bill (S. 4988) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, was considered as in Committee of the Whole, and the Secretary proceeded to read the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was in section 1, page 1, to strike out lines 3, 4, 5, 6, and 7 in the following words:

That it shall be the duty of every person, corporation, joint-stock company, or syndicate, whether he be owner, tenant, occupant, lessee, or other person in charge or control of any building or lot of land within the fire limits of the District of Columbia, fronting or abutting on a paved sidewalk, within.

And insert:

That it shall be the duty of every person, partnership, corporation, joint-stock company, or syndicate in charge or control of any building or lot of land within the fire limits of the District of Columbia, fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, within.

The amendment was agreed to.

Mr. DILLINGHAM. The committee further recommends that in section 3, page 3, in line 7, the words "superintendent of public buildings and grounds in the District of Columbia" be stricken out and the words "Chief Engineer of the United States Army" be inserted in lieu thereof.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, section 3, line 7, strike out the words "superintendent of public buildings and grounds in the District of Columbia" and in lieu thereof insert "Chief Engineer of the United States Army."

The amendment was agreed to.

Mr. HEYBURN. I should like to inquire of the Senator from Vermont whether consideration has been given to the question of the right of a government to compel the owner of a lot or premises abutting upon a street to do work beyond the line of his title. I understand that in a part if not all of the city of Washington the titles run to the building line and not to the curb line. It has been held, and I think it has been held in this District, that in such a case you can not require a man to work on somebody else's property. Has consideration been given to that question?

Mr. DILLINGHAM. The committee have given very careful attention to that question. No such decision has been made in any of the cases in the District of Columbia. Previous acts have been held inoperative mainly for the reason that they were unequal in their application, requiring more of one class of property owners than of another, but the courts have expressly said in their decisions that they never have held that Congress has not the power which is attempted to be exercised in this case.

This bill, the Senator will see if he will look at it carefully and will look at the report which accompanies it, is based entirely upon the police power of Congress in the District of Columbia. In the report there are cited cases from Massachusetts, New York, Nebraska, Connecticut, and Maryland, all to the point that such power exists. I think, upon the reading of those cases, the Senator will be satisfied that this is the only way in which the matter can be reasonably reached.

If the Senator desires to look into this question before the bill is passed, I am perfectly willing, after it has been perfected by the adoption of the committee amendments, that it shall go over in order that he may have an opportunity to read the report, which is quite carefully drawn.

Mr. HEYBURN. Mr. President, I am very loath to do anything that would postpone a remedy for the condition which existed here during the last few weeks. I only desire that such legislation as we may enact may not be subject to successful attack. I would ask further, Does the bill provide the same remedy for nonresidents or nonoccupants that it provides for others?

Mr. DILLINGHAM. It does. It divides the property owners into three classes: First, the private owners of property; second, the property abutting on the sidewalks that is owned, controlled, or leased by the District of Columbia; and, third, that which is owned by the United States Government. It has been drawn in such a way, we think, as to meet all the objections that have been contained in any of the decisions which have been made by the court of appeals for the District of Columbia.

Mr. HEYBURN. I had hoped that the committee would present a measure under which the Government would perform public work. This is public work. If this will meet the emergency, I have no disposition whatever to oppose it. I am very doubtful of the right of the Government, even the great Government of the United States, to compel a man to work on either public property or some one else's property. I have had occasion frequently, because of circumstances in our newer parts of the country, to pass upon and advise in regard to the laying out of towns, and I have always advised them to make the property ownership the curb line, so that they would have the unquestioned power to compel the owner under police regulations to take care of it and keep it in order.

But I have had grave doubts, and now entertain grave doubts, upon an ultimate test of this question, of the right of any government to compel a man to go on some other man's land and perform any services whatever. I have seen this kind of a law work very badly. Every Senator present will have in his mind in an instant cases where absentees will have one representing them, and it will result in a great area of uncleaned streets, with the streets on either side in perfect, beautifully kept order.

Mr. DILLINGHAM. If the Senator will allow me, the bill now under consideration lays upon the Commissioners of the District of Columbia the obligation of cleaning all sidewalks where they are neglected by the owners; it gives authority to report those to the district attorney, and authority is conferred upon him to institute proceedings against the owner or the occupant or whoever is in charge of the property to recover the expense that has been caused to the District government in doing that.

Mr. HEYBURN. I understand that.

Mr. DILLINGHAM. In answer to the other suggestion of the Senator, he does not stand alone in the wish that the Government might assume this in some form, but it is utterly impracticable for this reason: According to a report of the Commissioners of the District of Columbia, there are 550 miles of paved sidewalk to clear away, and to clear away a 3-inch fall of snow within the required time would employ 12,000 men. It is a physical impossibility, when a snowstorm comes unexpectedly, for the District to get together a sufficient number of men to clear the sidewalks before the snow has become packed upon them, as it did during the snowfall of the last month. The only way that can be conceived for handling the sidewalks in a snowy country is to place upon the abutting proprietor the obligation of clearing his own premises.

I think if the Senator will look at the authorities which are cited in the report of the committee he will no longer have any doubt of the power of Congress to exercise this authority in the District of Columbia. The leading case upon that subject, probably, was a Massachusetts case, in which the opinion was delivered by Judge Shaw. It has been cited in all cases of this character throughout the country, and has been adopted by a great majority of the States as the law on the subject. If the Senator will allow me, I will read a few lines, in which he discusses the police power.

Mr. HEYBURN. I would be very glad to have the Senator do so.

Mr. DILLINGHAM. Judge Shaw says:

The by-law was not a law levying a tax, the direct or principal object of which was the raising of revenue, and although it operates as a law creating a burden, it is rather to be regarded as a police regulation requiring a duty to be performed highly salutary and advantageous to the citizens of that city. Such a by-law is not partial and unequal and does not contravene the provision in the Constitution that all burdens and taxes laid on the people for the public good shall be equal, inasmuch as the burden created by it is imposed on a numerous class and upon all persons equally who come within that class, and also because they derive a peculiar benefit from the duty required.

Then he adds:

In such cases as this the answer to the objection of partiality and inequality is that the duty required is a duty upon the person in respect to the property which he holds, occupies, and enjoys under the protection and benefit of the laws, that it operates upon each and all in their turns as they become owners or occupiers of such estates, and it ceases to be required of them when they cease to be thus holders and occupiers of the estate in respect to which the duty is required.

Other cases are cited where the discussion of the question of the police power is taken up and made very clear, but I do not want to burden the RECORD by reading them.

Mr. HEYBURN. I recognize the principle involved in Judge Shaw's decision. It is the same principle that was involved in the question of the right of a municipality or county or township to compel a man to work upon the public roads, or in the alternative to pay a given amount of road tax. I can see that whatever defense there is to this proposition rests upon the principle that a party owning property owes a contributory duty to the public and that he may be required to keep a part of the public highway, as it were, in order within certain limits. That is all right.

I am in hearty sympathy with it, but I do not want to see any law passed here that will be tied up in the courts by some nonresident who owns 500 feet of vacant ground on some street that is otherwise well occupied resisting the enforcement of the law as against his property, because this proposed law undertakes to make, in effect, a lien upon his property the amount found to be due. It is provided that the amount found to be due may be realized out of the real estate. That will provoke a class of controversy that will not be upon the same scale as that of some humble citizen who has neglected or refused to sweep off his sidewalk.

I am not going to raise an objection to the bill, but I wanted to direct attention to the serious questions involved, so that we might on this occasion enact legislation that would be prompt, effective, and sufficient.

Mr. DILLINGHAM. I agree entirely with the Senator as to the importance of guarding against the difficulty which he has suggested, and we have gone just as far as we are able in the provisions of the bill. I think the bill will be found to be effective.

Mr. HALE. Will the Senator from Vermont yield to me for a privileged motion?

Mr. DILLINGHAM. Certainly.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

FORTIFICATION OF THE PANAMA CANAL.

The PRESIDING OFFICER (Mr. JOHNSTON in the chair) laid before the Senate the following message from the President of the United States (H. Doc. No. 1286), which was read, and, with the accompanying papers, referred to the Committee on Inter-oceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

I forward herewith a letter from the Secretary of War, inclosing the report of the board of officers of the Army and the Navy appointed by him to consider the subject of the defense of the Panama Canal. A preliminary report of this board, together with a letter of the Secretary of War, a resolution of the Joint Board, and estimates of cost, were forwarded to Congress by me by letter dated April 29, 1910. No appropriation, however, has yet been made for the initiation of work on the proposed defenses.

The canal, when completed, will afford the only convenient route for water communication between our Atlantic and Pacific coasts, and virtually will be a part of the coast line of the United States. Its assured possession and control will greatly contribute to our peace, safety, and prosperity as a Nation. In my judgment it is the right and the duty of the United States to fortify and make capable of defense the work that will bear so vital a relation to its welfare, and that is being created solely by it and at an expenditure of enormous sums.

I have authorized the submission through the Secretary of the Treasury of the revised estimate for appropriations referred to in the accompanying letter of the Secretary of War, which estimate is less than the original estimate by approximately one-third, and I urgently recommend that an appropriation of \$5,000,000 for the initiation of work on the proposed defenses be made at the present session of Congress, in order that these defenses may be completed by the date of the completion of the canal.

WM. H. TAFT.

THE WHITE HOUSE, January 12, 1911.

MEDICAL RESERVE CORPS.

Mr. BROWN. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 9351) to provide for the retirement of officers of the Medical Reserve Corps, to report it with an amendment, and I submit a report (No. 968) thereon.

Mr. CLAPP. I ask unanimous consent for the present consideration of Senate bill 9351, just reported by the junior Senator from Nebraska.

Mr. GALLINGER. Let us complete the calendar first. We are almost through with it. Then the bill just reported can be taken up.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Minnesota. The next bill on the calendar will be stated.

REMOVAL OF SNOW AND ICE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4988) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia.

The Secretary resumed the reading of the bill. The next amendment of the Committee on the District of Columbia was in section 4, page 4, after the word "thereof," in line 8, to strike out "the person, corporation, joint-stock company, or syndicate, whether owner, tenant, occupant, lessee, or other person in charge or control of such buildings or lots of land, shall," and to insert "the person, partnership, corporation, joint-stock company, or syndicate in charge or control of such buildings or lots of land, whether as owner, tenant, occupant, lessee, or otherwise, shall," so as to make the section read:

SEC. 4. In case the snow, sleet, and ice can not be removed from so much of the paved sidewalks within the fire limits of the District of

Columbia as front upon or abut such buildings or lots of land as are not owned or held by lease by the District of Columbia or the United States without injury to said sidewalks, because of the hardening thereof, the person, partnership, corporation, joint-stock company, or syndicate in charge or control of such buildings or lots of land, whether as owner, tenant, occupant, lessee, or otherwise, shall, within the first four hours of daylight after the same has formed, make reasonably safe for travel, or cause to be made reasonably safe for travel, by the sprinkling of sand or ashes thereon, said sidewalks, and shall, as soon thereafter as the weather shall permit, thoroughly clean said sidewalks.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 21, before the word "corporation," to insert the word "partnership;" on page 5, line 6, after the word "person," to insert "partnership;" in line 10, after the word "travel," to strike out the words "chargeable against each piece of property," and in the same line, after the word "shall," to insert the words "in each instance," so as to make the section read:

SEC. 5. That in the event of the failure of any person, partnership, corporation, joint-stock company, or syndicate to remove or cause to be removed such snow or ice from the said sidewalks, or to make the same reasonably safe for travel, or cause the same to be made reasonably safe for travel, as hereinbefore provided, it shall be the duty of the Commissioners of the District of Columbia, as soon as practicable after the expiration of the time herein provided for the removal thereof, or for the making of the said sidewalks reasonably safe for travel, to cause the snow and ice in front of such building or lot of land to be removed or to cause the same to be made reasonably safe, as hereinbefore directed to be done by such person, partnership, corporation, joint-stock company, or syndicate in charge or control of such building or lot of land, and the amount of the expense of such removal or such work of making the said sidewalks reasonably safe for travel shall in each instance be ascertained and certified by the said Commissioners to the corporation counsel of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 15, after the word "recover," to insert "from such person, partnership, corporation, joint-stock company, or syndicate;" in line 17, before the word "expense," to strike out "this" and insert "such;" and, in line 19, after the word "offense," to insert the words "with costs," so as to make the section read:

SEC. 6. That the corporation counsel is hereby directed and authorized to sue for and recover from such person, partnership, corporation, joint-stock company, or syndicate the amount of such expense in the name of the District of Columbia, together with \$3 penalty for each offense, with costs, and when so recovered the amount shall be deposited to the credit of the District of Columbia.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. DILLINGHAM. In section 7, page 5, line 22, I move that the words "superintendent of public buildings and grounds" be stricken out and in lieu thereof the words "Chief Engineer of the United States Army" be inserted.

The amendment was agreed to.

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

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

CENTRAL OFFICE OF POSTAL SAVINGS SYSTEM.

The bill (S. 9850) to authorize the board of trustees of the Postal Savings System to rent quarters for a central office in the city of Washington, D. C., was announced as next in order on the calendar.

The bill was read.

Mr. SMOOT. Mr. President, I should like to ask whether there is a report on this bill showing the necessity for its passage? If there is a report, I should like to have it read.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report submitted by Mr. PENROSE on January 10, 1911, as follows:

The Committee on Post Offices and Post Roads, to whom was referred the bill (S. 9850) to authorize the board of trustees of the Postal Savings System to rent quarters for a central office in the city of Washington, D. C., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Post Office Department, as will appear by the following letters:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 31, 1910.

MY DEAR SENATOR: In accordance with your suggestion I transmit herewith a draft of a bill authorizing the trustees of the Postal Savings System to expend not to exceed \$10,000 of their appropriation for the rental of quarters in Washington. As the system is to begin actual operations on January 3, 1911, the first working day of the new year, it is important that the desired authority be granted with as little delay as possible.

Yours, very truly,

FRANK H. HITCHCOCK,
Postmaster General.

HON. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 13, 1910.

DEAR SIR: The congested condition of the Post Office Department buildings in Washington makes it impossible to provide in them any quarters for the force that is being organized in connection with the new Postal Savings System. As the appropriation of \$100,000 to be used in the establishment of the system is not available for rent, it will be necessary to have legislative authority to lease the needed quarters. It is therefore requested that Congress authorize the expenditure of \$10,000 out of that appropriation, to be immediately available, to defray the expenses of rental of offices in Washington for the use of the postal savings system.

A similar communication is being sent to Hon. John W. Weeks, chairman of the House Committee on the Post Office and Post Roads.

Respectfully,

FRANK H. HITCHCOCK,
Chairman Board of Trustees.

HON. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

Mr. SMOOT. Mr. President, I will withdraw any objection to the consideration of the bill. I merely wanted to know whether it was necessary to secure rooms outside of those which are at present being used by this board. Evidently, from the letters written by the Postmaster General, it is necessary, and therefore I do not further object to the consideration of the bill.

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

Mr. CARTER. Mr. President, the Senator from Utah [Mr. SMOOT] informally suggested some days ago that adequate space might be assigned in the Senate Office Building for the use of this bureau. If such room is available, I can not understand why the assignment might not be temporarily made. I am not advised as to the space now unoccupied in that building, but undoubtedly the space is occupied to as great an extent at the present time as it is likely to be at any time in the future. It is therefore appropriate, I think, to provide in the bill that the Superintendent of the Capitol be authorized to temporarily assign to the use of the Post Office Department such vacant space in the Senate Office Building as may be available.

Mr. BAILEY. Mr. President, I want to say to the Senator from Montana [Mr. CARTER] that no part of any executive department will ever go into that building with my consent.

Mr. GALLINGER. That is right.

Mr. BAILEY. That building was constructed for the Senate. We have some commissions over there now. We had to move one of them out of its rooms not long ago to make room for a Senator. It is not agreeable to be moving them around, and it is still less agreeable for Senators to have to be deprived of their quarters to oblige the executive departments or these commissions.

I want to say to the Senator from Montana—and I take that liberty because I happen to be a member of the Committee on Rules, that has charge of that building—that one trouble there is with the first floor, which, if it had been differently constructed, would have accommodated quite a number, but is almost uninhabitable in the summer time. The rooms facing the court are much below the level of the ground, and consequently the ventilation is very bad. The rooms on that floor not facing the court face a street along which the street cars run, and consequently, in the summer time, when the windows must be open, the noise makes them almost uninhabitable. We have mixed the legislative and executive enough in the statute books without mixing them in their habitation; and I hope the Senator from Montana will not press his proposed amendment.

Mr. CARTER. Mr. President, I know the Senator from Texas quite too well to press over his objection. I desire to see the bill pass, and only made the observation in consequence of remarks made by other Senators with reference to available space in that building for some other purpose than the use of Senators.

Mr. BAILEY. Mr. President, the Senator from Montana is mistaken. I had no purpose except to make the suggestion, and I would not exhibit even a determined opposition, but I think it obviously improper to house those people in that building. Now, if the father of the postal savings-bank system could be put at the head of it, I might be willing to take him into the Senate Office Building.

Mr. CARTER. That is a very kind observation, Mr. President. I hope the bill will now pass. I shall offer no amendment to it.

Mr. SMOOT. I should like to ask the Senator from Texas if there are not a number of large rooms over in the Senate Office Building that are not being used at the present time which perhaps could be used by some of the courts that have of late been created by legislative acts.

Mr. BAILEY. Mr. President, I think there is no room there that would answer the purposes of any court. I want to say to the Senator from Utah that if we had any spare rooms over there, I would insist upon assigning them to the Chief Justice and the Associate Justices of the Supreme Court. We have located them in this Capitol, but we have never made any other provision for them; and, speaking for myself and not in criticism of my fellow Senators, I think it is a shame that both Houses of Congress have built for themselves magnificent office buildings, in which we find comfortable quarters, without having provided for the Supreme Court any suitable accommodations. To-morrow if a lawyer in this country comes to the Capitol to apply for a writ of certiorari he must hunt the Justices at their houses and invade the privacy of their homes to transact his official business. If there were any space there, inasmuch as we have located the Supreme Court here in the Capitol between the two Houses of Congress, I would give it to them. I sincerely hope a sense of common decency will compel these two Houses, if they can not provide for the members of the court in these office buildings, to provide for them by vacating the committee rooms established in the old library part of this Capitol and assign to the Chief Justice and to each Associate Justice comfortable quarters there. Until they are provided for I shall never agree to see anybody else provided for over there.

Mr. BACON. Mr. President, I most heartily agree with all that has been said by the Senator from Texas [Mr. BAILEY] in regard to the propriety—I might say the necessity—for making some provision for the Chief Justice and the Associate Justices of the Supreme Court. Without having made careful investigation of the matter, I believe there is room enough in the large Office Building to provide the Chief Justice and each of the Associate Justices with at least one room, and I should be more than glad, as a member of the Committee on Rules, if I can have the cooperation of that committee to examine into that question.

Of course I think the suggestion made by the Senator from Texas as to the vacation of certain rooms which occupy the space formerly occupied by the old library is a very good one; but that is a matter more difficult of speedy accomplishment, because it requires the action of the two Houses, than it is for the Senate voluntarily to put at the disposition of the Chief Justice and the Associate Justices of the Supreme Court a sufficient number of rooms in the Senate Office Building for each Justice at least to have one room. I believe that can be easily accomplished.

Mr. BAILEY. Mr. President, I will say to the Senator from Georgia that I have been laboring toward that end, and that would be easy except for the circumstance to which I referred a moment ago, that practically renders the first floor of that building useless for any except purposes of storage. I think perhaps we may, and probably will, provide places over there where documents may be addressed and such work as that done.

I say to the Senator, too, that it looks to me as if the House ought to be willing to vacate its half of the old library space, just as the Senate is willing to vacate its half, in order to make one-half of the provision for the Supreme Court.

But if it should decline to do so, I would cheerfully see the Senate make the whole provision. I am unselfish in this suggestion, because I happen to have succeeded to the chairmanship of the Committee on Woman Suffrage, and I have a very delightful room over there; but I am perfectly willing to give up that room, although I might thus deprive myself of the opportunity and facility of according the advocates of woman suffrage a hearing.

Mr. SMOOT. Mr. President, I wish to say to the Senator that what brought up the question was, I suppose, a remark I made the other day in relation to the Court of Customs Appeals. I was informed that they were paying \$25,000 a year rent for their quarters at the corner of Fifteenth Street and New York Avenue, and that the quarters were anything but comfortable. Knowing that some of the large rooms in the Senate Office Building were not being used, and also some of the offices, I did not know but that it would be a good plan for the Government to save that \$25,000 and give the court better quarters. I am in full accord with the Senator from Texas in saying that, if we have room there, it should first go to the Supreme Court of the United States.

Mr. BAILEY. I want to say to the Senator from Utah that there are, as I now recall, only about four of those large rooms. One of them is now occupied by the Committee on the Judiciary. I think probably another was assigned to the Committee on Foreign Relations, though I am not advised whether it has ever occupied or used that room.

Mr. SMOOT. It is used only for hearings, I think.

Mr. BAILEY. Yes; and then another one of those rooms, a very large and very delightful room, was originally designed for a restaurant, and that building was equipped with that in view, but it was the better judgment of the Committee on Rules that that should not be attempted.

My idea has always been that that room be converted into a library, so that Senators who are confined to that building for their office and committee rooms may have easy access to the books. I think no use could be made of that room so desirable and so convenient to Senators as to establish a reference library there. I think that the CONGRESSIONAL RECORD, from the beginning, when it was known under a different name, as far back as the Government has a record of the proceedings of Congress, ought to be there, together with reports and numbers of other publications. Outside of that I can not at this time recall any other room that could be used for the court.

Mr. GALLINGER. Mr. President, if the Senator from Texas [Mr. BAILEY] and the Senator from Georgia [Mr. BACON] will pardon me a moment, the Senator from Texas alluded to certain large rooms that had been assigned to certain committees. There is a large room on the fourth floor near the rooms I chance to occupy that has been assigned to the Committee on the District of Columbia for hearings. Other hearings have been held in that room. It would be a great misfortune to take that room from committees that are using it, although it is not used very often.

Mr. BAILEY. But they need it occasionally.

Mr. GALLINGER. It ought to remain as it is for certain contingencies that constantly arise, both as relates to the Committee on the District of Columbia and to other committees.

Mr. BAILEY. That was the very purpose for which some of those rooms were constructed.

Mr. GALLINGER. It was.

Mr. BAILEY. There is a caucus room in the Senate Office Building, but, unless the acoustics of it have been improved, I think probably a man speaking at one end of it could not be heard at the other end. It is a magnificent room, but unless the acoustics have been improved is utterly worthless.

Mr. GALLINGER. If the Senator will permit me, I want to agree with him very earnestly in the suggestion that the kitchen and dining room arrangements that were made in that building should be converted to some other use, either for a library or for some other purpose, because they are absolutely without utility at the present time. They are not occupied and never will be occupied for the purposes contemplated. The property in those rooms is deteriorating, and something ought to be done in regard to them.

Mr. BACON. Mr. President, the matter of the accommodation of the Supreme Court is one that has been talked about to my knowledge for some 15 or 16 years, and doubtless long before then, and a great many suggestions have been made with regard to what should be done for the accommodation of the court. I have no doubt that provision for the accommodation which could be made for the convenience of the members of that court has been neglected because of the idea that some day some general provision is going to be made, not only for the members of the court, but for the court itself.

I desire to say for myself that I very much hope the day will never come when the Supreme Court will leave this Capitol Building. I think it is very much to the public interest from every standpoint that they should hold their sessions in this building. I think it would be a very great misfortune if that ancient and historic chamber should ever be converted into any use less than that which now honors it, to wit, the sessions of the Supreme Court of the United States. I think, therefore, the question of a court building is one which is very indefinite in its possibilities or probabilities, and that we ought not to delay the more important and pressing necessity that the individual members of that court should have convenient and comfortable quarters.

I am very glad this discussion has come up. I do not know that any special order of the Senate is needed in the matter; but I hope that the chairman of the Committee on Rules, of which committee the Senator from Texas [Mr. BAILEY] and myself are each members, will see that the matter is investigated for the purpose of ascertaining whether chambers for the individual members of that court can be provided in the Office Building without discomfort or inconvenience to Senators, or, if that can not be done, whether the suggestion of the Senator from Texas can not be carried out, to the effect that the rooms which occupy the space formerly occupied by the old library can not be surrendered by the Senate and House of Representatives to the use of the members of that court.

I think it is due to the court that the matter should be taken up and proceeded with immediately, and that they should

not be subjected to what is a most grave inconvenience to them, and a great discredit, I think, to the legislative department of the Government. They are of course in a position where it is embarrassing to them to make any complaints, and we ought not to wait for them to make complaint. Their needs and wants should be recognized without complaint being made by them, and that they exist no man who is familiar with the situation can for a moment doubt.

Mr. HEYBURN. I should be very loath to concede any part of the occupancy of that building to the executive or judicial side of the Government. There is a new department of the Government that is promised, which as yet I have not been able to classify; that is, a tariff commission. I do not know whether it is to be a part of the executive or the legislative branch of this Government.

Mr. BAILEY. It is not apt to become a part of either at this session.

Mr. HEYBURN. I am in entire sympathy with that suggestion—or at any other session. But I suppose there will be some conflict between the executive and the legislative branches of the Government as to which shall not own that branch when it may be created. I do not believe that either side will want to adopt it. Neither side will want it in the household.

But I merely rose to say that I should not like to see any part of either of the buildings belonging to the legislative branch of the Government made an asylum for any other department.

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

THE ORGANIZED MILITIA.

The bill (S. 9331) to increase the efficiency of the Organized Militia, and for other purposes, was announced as the next business on the calendar.

Mr. HALE. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

COOPER WALKER.

The bill (H. R. 24291) for the relief of Cooper Walker was considered as in Committee of the Whole. It proposes to pay to Cooper Walker, of Galveston, Tex., \$190, the same being the amount collected from him by the collector of customs of the port of Galveston, Tex., for an alleged violation of section 4438 of the Revised Statutes of the United States.

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

JOHN PAUL JONES.

The bill (S. 8868) providing for a permanent resting place for the body of John Paul Jones was considered as in Committee of the Whole. It provides that the Secretary of the Navy shall have estimates, plans, and specifications prepared for the completion of the crypt of the chapel at the United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, the cost of the crypt and furnishing of same not to exceed the sum of \$135,000, or so much thereof as may be necessary, which the bill appropriates.

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

CLARENCE FREDERICK CHAPMAN.

The bill (H. R. 5015) for the relief of Clarence Frederick Chapman, United States Navy, was considered as in Committee of the Whole. It proposes to restore to the roll of the Navy the name of Clarence Frederick Chapman as ordinary seaman and to honorably discharge him from the Navy, regardless of the findings of the court-martial held on board the U. S. S. *Kearsarge*, off Provincetown, Mass., July 3, 1905.

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

ADMINISTRATION OF OATHS.

The bill (S. 4299) to amend section 183 of the Revised Statutes was considered as in Committee of the Whole. It proposes to amend section 183 of the Revised Statutes of the United States so as to read as follows:

SEC. 183. Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, or Marine Corps detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military or naval board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

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

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. I desire to ask unanimous consent that the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary be made the special order for Friday, January 20—that is, a week from to-day—immediately after the morning business. We will then perhaps make some headway with it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

Mr. SMOOT. Not to interfere with appropriation bills.

Mr. HALE. That is, not to interfere with appropriation bills.

Mr. BORAH. I did not understand what the request was.

Mr. HEYBURN. No; not to interfere with appropriation bills.

Mr. BORAH. Mr. President—

Mr. CLAPP. I think I shall have to interpose an objection.

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

Mr. BORAH. I did not understand what the request was.

Mr. HEYBURN. The request was that the codification of the judiciary title be made a special order for Friday, January 20.

Mr. GALLINGER. Immediately after morning business.

Mr. HEYBURN. Immediately after morning business and not to interfere with appropriation bills.

Mr. BORAH. I am very sorry to have to interpose an objection, but I shall have to object.

FAMILY OF SAMUELE BADOLATO, DECEASED.

The bill (H. R. 23081) for the relief of the family of Samuele Badolato was considered as in Committee of the Whole. It proposes to pay \$500.80 to Antonia Giuliana Badolato, Marianna Badolato, Samuele Badolato, and Antonia Critelli Badolato, being, respectively, the widow, the two minor children, and the widowed mother of Samuele Badolato, an employee of the United States, who was killed in the course of his employment upon river and harbor improvements, new Lock and Dam No. 5, Monongahela River, West Brownsville, Pa., on April 21, 1909.

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

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. CLAPP. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Minnesota 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	Clarke, Ark.	Gamble	Percy
Bailey	Craze	Guggenheim	Rayner
Bankhead	Crawford	Hale	Root
Borah	Culberson	Heyburn	Shively
Bourne	Cullom	Johnston	Simmons
Bradley	Curtis	Jones	Smith, Md.
Brandegee	Davis	Keen	Smith, Mich.
Bristow	Depew	La Follette	Smoot
Brown	Dick	Lodge	Stephenson
Burkett	du Pont	McCumber	Tallaferro
Burnham	Elkins	Martin	Terrell
Burrows	Fletcher	Money	Warren
Burton	Flint	Nelson	Wetmore
Carter	Forster	Oliver	
Chamberlain	Frye	Overman	
Clapp	Gallinger	Page	

Mr. CURTIS. I have been requested to announce the unavoidable absence of the junior Senator from Missouri [Mr. WARNER].

The VICE PRESIDENT. Sixty-one Senators have answered to their names. A quorum of the Senate is present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A 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."

Mr. GALLINGER. Mr. President, I will inquire if any Senator present desires to discuss the bill to-day. I have not been apprised of any Senator who wishes to do so, and unless some Senator does, I will ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will continue the call of the calendar under Rule VIII, without objection.

LAND ENTRIES.

The bill (H. R. 15600) providing for second homestead and desert-land entries was announced as next in order on the calendar.

Mr. HEYBURN. Let the bill go over.

The VICE PRESIDENT. It will go over.

ELECTION OF SENATORS BY DIRECT VOTE.

The joint resolution (S. J. Res. 134) proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States, was announced as the next business on the calendar.

Mr. KEAN. Let the joint resolution go over.

The VICE PRESIDENT. It will go over.

Mr. BORAH. I move that, notwithstanding the objection, the joint resolution be taken up for consideration.

The VICE PRESIDENT. The Senator from Idaho moves that the Senate proceed to the consideration of Senate joint resolution 134, the objection of the Senator from New Jersey to the contrary notwithstanding.

Mr. GALLINGER. Mr. President, I ask unanimous consent to make a single observation.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER. I know the motion is not debatable, but I appeal to the Senator from Idaho not to make the motion. If carried it will displace the unfinished business. I have tried to be very courteous to Senators and to the Senate in the consideration of the ocean mail bill. I feel sure that the Senator from Idaho can get consideration for the joint resolution without the action he proposes by the motion he is disposed to make. I should think that the Senator could get unanimous consent to take up the joint resolution now if he would ask for it. Notwithstanding the Senator from New Jersey objected a moment ago, I believe he will not object under the circumstances.

Mr. BORAH. Mr. President, I do not desire to interfere unnecessarily with the unfinished business of the Senate if it can be conveniently arranged, but knowing some things as I do in regard to this measure, I feel that I ought to urge its consideration under those conditions which will be most likely to secure action upon it.

Mr. KEAN. I will withdraw the objection.

The VICE PRESIDENT. The objection is withdrawn. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole, and open to amendment. If no amendment be offered, the joint resolution will be reported to the Senate.

Mr. SUTHERLAND. I desire to offer an amendment to the joint resolution.

The VICE PRESIDENT. The Senator from Utah offers an amendment, which will be read.

The SECRETARY. On page 1, line 7, after the word "vacancy," strike out the words:

And in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senator.

And on page 2 strike out lines 9, 10, and 11 in the following words:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I want to say just a word. I shall vote for the joint resolution, whether the amendment is carried or not, but I think that the language to which I have directed attention ought not to be in the joint resolution. The provision of the Constitution now authorizes the States

to make regulations as to the time and manner of holding elections, but gives Congress a supervisory power over it. Congress has already acted so far as the election of Representatives is concerned by statute, and has prescribed regulations concerning the time and manner of electing Representatives. The joint resolution now proposes to eliminate that power of Congress so far as the election of Senators is concerned, leaving it intact so far as the election of Representatives is concerned, so that we will have two laws upon the subject. In the case of Representatives, Congress will still have the power to make rules and regulations affecting the time and manner of the election, and Congress will have no power on the subject of United States Senators. It seems to me that from two conflicting rules much confusion very likely would result. I see no reason why Congress should have the authority in the one case and not have it in the other.

It has been said that if those words were eliminated Congress would have the right to pass laws affecting the qualifications of the electors, but that is not so, because the joint resolution itself, as well as the language of the Constitution, leaves in the hands of the various States the authority to fix the qualifications of the electors, and a provision in the Constitution giving Congress simply the power to make regulations respecting the time and manner could not by any possibility be construed as giving Congress the authority to affect the qualifications of the electors.

The Constitution provides, and this amendment will provide, that the qualifications of the electors shall be those possessed by electors for the most numerous branch of the State legislature. That would remain entirely unaffected. I call attention, so that it may go into the Record, to the precise language of section 4, which would remain intact and applicable both to the election of Representatives and Senators if the amendment which I propose shall be adopted. Section 4 of Article I of the Constitution reads:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Of course, that exception was made because it was recognized that the place where the Senators should be elected should always be the place where the legislature itself should sit.

Now, this proposes to amend the Constitution with reference to the election of United States Senators. It does not attempt to alter that provision of the Constitution which gives Congress the power at any time by law to make or alter such regulations with reference to the election of Representatives. If this is a bad and an unfortunate thing in the election of United States Senators, it is equally a bad thing in the election of Representatives, and yet we have been living under this provision of the Constitution in reference to the election of Representatives for more than 100 years and nobody thus far has been able to point out any bad results which have followed.

I think the amendment should be adopted.

Mr. RAYNER. I should like to have the amendment read again. I did not hear it.

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

The Secretary again read Mr. SUTHERLAND's amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. RAYNER. Mr. President, this is a very important matter. I suppose this debate will take some time. I think the amendment seriously affects the whole proposition. I thought so in the committee. I would rather let this matter go over, so that it may be discussed. I think the amendment, perhaps, strikes at the root of the proposition, and it will be debated. A number of us are not prepared to-day to debate it. There will be other propositions up, and I should like to have this particular amendment go over, unless the Senator from Idaho objects to that course.

Mr. BORAH. Do I understand that the Senator from Maryland desires that the entire joint resolution shall go over?

Mr. RAYNER. Not at all. I want the joint resolution pressed with all the urgency that can be devoted to it, but this particular amendment is one of the most important amendments. I think this is the amendment that was voted down in the committee. If delay upon this amendment carries the whole joint resolution over, then I withdraw my objection; but I know there will be a number of other amendments offered, and I think this particular amendment, owing to its importance, ought to receive more consideration, and it should not be voted upon without any debate at all.

Mr. HALE. Mr. President, I think it is entirely clear that the proposition covered by the joint resolution and the amendments that will be proposed to it will give rise to, I will not say pro-

tracted but very considerable discussion, and that there will be no opportunity to-day to come to a conclusion upon this most important measure. It will be resisted; it will not pass without debate; it will not pass without full consideration of amendments such as the Senator from Utah has suggested and other amendments.

That time may be given for consideration, and that no undue haste should be manifested as to this matter, I move that the Senate do now adjourn.

The VICE PRESIDENT. The Senator from Maine moves that the Senate do now adjourn. [Putting the question.] The ayes appear to have it. The ayes have it.

Mr. BEVERIDGE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from Indiana will state it.

Mr. BEVERIDGE. My point of order is that the Senator from Idaho [Mr. BORAH] was on the floor at the time the motion was made.

The VICE PRESIDENT. The point of order is overruled. The Senator from Maine moved to adjourn, and the motion has been put.

Mr. LA FOLLETTE. I ask for the yeas and nays upon the motion.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. JONES. My colleague [Mr. PILES] is necessarily absent from the Chamber. I feel justified in saying that if he were present he would vote "nay."

Mr. TILLMAN. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not see him present.

The VICE PRESIDENT. The Senator has not voted.

Mr. TILLMAN. Then I withhold my vote.

Mr. TALIAFERRO (after having voted in the negative). I have a general pair with the senior Senator from West Virginia [Mr. SCOTT]. I ask if he has voted.

The VICE PRESIDENT. He has not voted.

Mr. TALIAFERRO. I withdraw my vote.

Mr. BRADLEY (after having voted in the affirmative). Has the Senator from Tennessee [Mr. TAYLOR] voted?

The VICE PRESIDENT. He has not.

Mr. BRADLEY. I am paired with that Senator. I withdraw my vote.

The result was announced—yeas 17, nays 43, as follows:

YEAS—17.

Brandegee	Frye	Johnston	Warren
Burnham	Gallinger	Kean	Wetmore
Crane	Guggenheim	Money	
Depew	Hale	Oliver	
du Pont	Heyburn	Root	

NAYS—43.

Bacon	Clapp	Jones	Shively
Bankhead	Clarke, Ark.	La Follette	Simmons
Beveridge	Crawford	McCumber	Smith, Md.
Borah	Culberson	Martin	Smith, Mich.
Bourne	Cullom	Nelson	Smoot
Bristow	Curtis	Newlands	Stephenson
Brown	Davis	Nixon	Sutherland
Burket	Dixon	Overman	Swanson
Burton	Fletcher	Page	Terrell
Carter	Flint	Percy	Thornton
Chamberlain	Gamble	Rayner	

NOT VOTING—31.

Aldrich	Dick	Owen	Smith, S. C.
Bailey	Dillingham	Paynter	Stone
Bradley	Elkins	Penrose	Taliaferro
Briggs	Foster	Perkins	Taylor
Bulkeley	Frazier	Piles	Tillman
Burrows	Gore	Purcell	Warner
Clark, Wyo.	Lodge	Richardson	Young
Cummins	Lorimer	Scott	

So the Senate refused to adjourn.

Mr. BEVERIDGE. Mr. President, that the record may be clear and any apparent injustice may not be done, I wish to state, with the permission of the Senate, that a moment ago I made the point of order that the motion of the Senator from Maine was not in order because the Senator from Idaho [Mr. BORAH] had the floor. I understand that that was a misapprehension upon my part, and the Chair overruled the point of order, because, as a matter of fact, the Senator from Idaho did not have the floor. The Senator from Idaho was on his feet, but of course if I had known as a matter of fact that he did not have the floor, I should not have made the point of order against the Senator's motion. Of course, if the Senator from Idaho had had the floor then, I take it that all will concede that no Senator could cut off debate and take him off the floor, because it would destroy the entire liberty of debate by moving in the midst of the remarks to adjourn. But I made my point

of order under an entire misapprehension, and I make this statement only that the record may not show an apparent precedent which really was not established.

Mr. HALE. No one except the Senator from Indiana will be troubled by the decision of the Chair.

Mr. BEVERIDGE. I do not know that the Senator from Maine can speak for the rest of Senators.

Mr. HALE. It was all done in accord with the precedents that have existed in the Senate for years. As I said, no one else was troubled by the record except the Senator from Indiana.

Mr. BEVERIDGE. As a matter of fact, since the question has come up, it is important as merely constituting a part of that great body of law which governs the Senate and with which the Senator from Maine is so notably familiar; but I do not think anybody except the Senator from Maine will contend that any Senator may take another Senator off his feet and absolutely stop all debate by a motion to adjourn, which could be carried by a majority, because the Senator will see in a moment that if that were true, an adverse majority at any time might absolutely stop all discussion of any question. I should like to see one of the numerous precedents which the Senator says exists by which a Senator may move to adjourn when another Senator has the floor.

Mr. HALE. Nobody has claimed that.

Mr. BORAH. Mr. President, I do not desire to preclude any one from debating this matter who desires to debate it, and if I seem to be doing that I desire some means of arrangement by which that may be avoided. If a time can be agreed upon, a day certain on which we can have a vote upon the original joint resolution and all amendments that may be offered, I am perfectly willing that the intermediate time shall be used for debate. With a view of testing the sense of the Senate, I ask unanimous consent that on Monday week, the 23d of January, this joint resolution may be taken up for consideration, and that the original measure and all amendments may be voted upon and disposed of on that day.

Mr. BEVERIDGE. Before adjournment.

Mr. DEPEW. Mr. President, will the Senator withhold his request until I propose an amendment, that it may be printed as a part of the proceedings?

Mr. BORAH. I yield for that purpose.

Mr. DEPEW. Then I will offer the following—

The VICE PRESIDENT. The Chair understands now that the Senator from Idaho surrenders the floor to the Senator from New York.

Mr. BORAH. I do.

Mr. DEPEW. For this purpose only.

The VICE PRESIDENT. The Senator from New York.

Mr. DEPEW. I move that on the second page, at the end of line 5, commencing with "The," there shall be stricken out down to and including line 8 and what I send to the desk inserted.

The VICE PRESIDENT. One amendment is now pending, and the amendment offered by the Senator from New York is not an amendment to the amendment, the Chair understands.

Mr. DEPEW. No; it is an amendment to the original proposition.

Mr. GALLINGER. The Senator can offer it and have it printed.

The VICE PRESIDENT. The Senator from New York simply offers it that it may be printed?

Mr. DEPEW. That is what I mean.

The VICE PRESIDENT. Very well.

Mr. GALLINGER. Let the proposed amendment be read.

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

The SECRETARY. On page 2 of the joint resolution strike out, in lines 6, 7, and 8, the words:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

And in lieu insert:

The qualifications of male citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

The VICE PRESIDENT. The amendment will be printed for the use of the Senate and lie upon the table.

Mr. BORAH and Mr. BURKETT addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho [Mr. BORAH] has the floor.

Mr. BORAH. Upon the suggestion of a Senator, I ask to have the date for a final vote changed from January 23 to January 24.

The VICE PRESIDENT. The request will be so modified. The Senator from Idaho makes a request for unanimous consent, which will now be stated by the Secretary.

The SECRETARY. That on Tuesday, January 24 next, the Senate will proceed to consider the resolution, Senate joint resolution 134, proposing an amendment to the Constitution, and that a vote shall be had on all amendments pending and to be offered and upon the resolution itself before adjournment on that day.

Mr. HALE. I suggest to the Senator from Idaho that he modify his request fixing the time, and make it after the reading of the Journal, so as to give the entire day to the subject.

Mr. BORAH. I accept that suggestion.

The VICE PRESIDENT. The Secretary will state the request in the modified form.

The SECRETARY. That on January 24 next, immediately upon the conclusion of the reading of the Journal, the Senate will proceed to consider the resolution, Senate joint resolution 134, and that a vote shall be had on all amendments pending and to be offered and upon the resolution itself before adjournment on that day.

Mr. NELSON. Mr. President—

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

Mr. NELSON. I wish the Senator from Idaho would withhold his request for a moment. I desire to offer an amendment, and to have it pending.

Mr. BORAH. I withdraw my request for that purpose.

The VICE PRESIDENT. The Senator from Idaho surrenders the floor, and the Senator from Minnesota is recognized.

Mr. NELSON. I offer the following amendment: After the word "years," in line 3, on page 2, of the printed joint resolution, I move to insert "by such vote as the legislature of each State may prescribe."

In connection with that, I ask for a reprint of the joint resolution, with the proposed amendments to it in italics. I take it that the Senator from Idaho has no objection to that.

Mr. BEVERIDGE. Let the request be stated from the desk.

The VICE PRESIDENT. The Senator from Minnesota proposes an amendment, to be offered in order. The Secretary will state it.

Mr. NELSON. It is to come in after the word "years," in line 3, on page 2, of the printed joint resolution.

The VICE PRESIDENT. Line 5, is it not?

Mr. NELSON. It is in line 3, page 2, of the print of the resolution which I have.

The VICE PRESIDENT. The Secretary will state the amendment; but in the print of the joint resolution which the Secretary has there is no such word as the Senator states in line 3.

The SECRETARY. On page 2, line 5, after the words "six years" and the semicolon, it is proposed to insert the words "by such vote as the legislature of each State may prescribe."

Mr. HALE. Will the Senator from Minnesota yield for a suggestion?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. NELSON. Certainly.

Mr. HALE. I do not understand that the proposition of the Senator from Idaho [Mr. BORAH] either does cut off or is intended to cut off any amendment, whether offered now or at any time hereafter.

The VICE PRESIDENT. Certainly not.

Mr. HALE. Or during the day of consideration.

Mr. BEVERIDGE. Clear up to the vote.

Mr. HALE. Clear up to the time that the vote is taken.

Mr. BORAH. That is my understanding.

Mr. HALE. The Senator intends and desires that, upon this most important matter, up to the time of the end of the day of the session on January 24, full opportunity shall be given for amendment. So it is not in the least essential for Senators who desire to change or perfect this proposition to offer their amendments now. They will have every opportunity of doing that until the last moment. Is not that the intention of the Senator from Idaho?

Mr. BORAH. That is the intention, Mr. President.

Mr. HALE. So that it is not at all essential to put in an amendment now. No Senator is in any way constrained from moving an amendment at any time between now and the 24th or during the 24th of January.

Mr. RAYNER. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maryland?

Mr. RAYNER. Only to ask a question.

Mr. BORAH. The Senator from Idaho has the floor.

Mr. NELSON. If the Senator from Maryland [Mr. RAYNER] will allow me, I will yield to him in a moment. My object in having this proposed amendment printed in a reprint of the bill, together with the other two amendments which have been offered this morning, was in order that Senators could have an opportunity to see them and become familiar with the amendments before we again took up the joint resolution. Of course there is no purpose on my part to cut off amendments, nor did I ever for a moment think that my proposition would cut off amendments to be offered at the time the joint resolution came up for consideration. I offered the amendment, and in connection with it I made the request for a reprint of the bill with the three amendments printed in italics which have been offered this morning.

The VICE PRESIDENT. Is there objection to that request? The Chair hears none.

Mr. HEYBURN. What is the request?

The VICE PRESIDENT. The request is that there be a reprint of the bill with the amendments offered by the Senator from Utah [Mr. SUTHERLAND] and the amendments proposed to be offered by the Senator from New York [Mr. DEPEW] and the Senator from Minnesota [Mr. NELSON] in italics.

Mr. BEVERIDGE. Let the request for unanimous consent of the Senator from Idaho [Mr. BORAH] be again stated, Mr. President.

The VICE PRESIDENT. That is not now pending.

Mr. BEVERIDGE. I thought that it had been agreed to that.

The VICE PRESIDENT. The request of the Senator from Minnesota [Mr. NELSON] is pending, the Senator from Idaho having temporarily withdrawn his request.

Mr. BEVERIDGE. I thought that it had been agreed to.

The VICE PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none. Now the Senator from Idaho [Mr. BORAH] renews his request.

Mr. BEVERIDGE. Let that be stated.

The VICE PRESIDENT. The Secretary will again state the request of the Senator from Idaho.

The SECRETARY. Mr. BORAH asks unanimous consent that on Tuesday, January 24, immediately upon the conclusion of the reading of the Journal, the Senate will proceed to consider the resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, and that a vote shall be had on all amendments pending and to be offered and upon the resolution itself before adjournment on that day.

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho [Mr. BORAH] yield to his colleague?

Mr. HEYBURN. I rise to object, Mr. President.

The VICE PRESIDENT. Objection is made. The question is upon the amendment offered by the Senator from Utah [Mr. SUTHERLAND]. [Putting the question.] The "noes" appear to have it. The "noes" have it, and the amendment is rejected.

Mr. SUTHERLAND. I ask for the yeas and nays, Mr. President.

The VICE PRESIDENT. The Senator from New York [Mr. DEPEW] offers an amendment, which the Secretary will state.

Mr. SUTHERLAND. I ask for the yeas and nays, Mr. President.

The VICE PRESIDENT. The Chair did not hear the Senator. The Senator from Utah asks for the yeas and nays upon his amendment.

Mr. BEVERIDGE. I trust that the yeas and nays will not be called for.

The VICE PRESIDENT. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. DIXON. Let the amendment be again stated. Some of us were out of the Chamber at the time when it was previously read.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment proposed by the Senator from Utah [Mr. SUTHERLAND].

The SECRETARY. On page 1, beginning at line 7, after the word "vacancies" and the comma, it is proposed to strike out the following words:

and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators—

Mr. DU PONT. Mr. President, I can not hear, as there is so much confusion in the Chamber.

The VICE PRESIDENT. The Senate will please be in order. The Secretary will again state the amendment.

The SECRETARY. Mr. SUTHERLAND proposes to strike out the following words, on page 1, line 7, after the word "vacancies" and the comma; all of the joint resolution down to and including the word "Senators," in line 10, and the comma following that word. Also, on page 2, to strike out all of lines 9, 10, and 11.

The VICE PRESIDENT. Upon that amendment the yeas and nays have been ordered. The Secretary will call the roll.

Mr. BURKETT. Mr. President, I confess that I do not like to vote on this amendment just at present.

Mr. BEVERIDGE. That is right.

Mr. BURKETT. I want to ask the Senator from Idaho [Mr. BORAH], the author of this joint resolution, a question or two. I have just suggested that, for one, I am not ready to vote on this amendment. I have not been able to exactly understand the question.

Mr. CULBERSON. I rise to a question of order.

The VICE PRESIDENT. The Senator from Texas rises to a question of order, which he will state.

Mr. CULBERSON. As I understand, the yeas and nays have been ordered.

The VICE PRESIDENT. The yeas and nays have been ordered, but the roll call has not yet begun. The Senator from Nebraska [Mr. BURKETT] has been recognized and is discussing the pending proposition.

Mr. BURKETT. Mr. President, in the form in which it is, it seems to me this amendment is going to be just a little difficult of interpretation; for, if I can understand it correctly, page 2 does not follow the same form and the same order as does page 1 with reference to the sections to be amended. I think possibly before the amendment is finally adopted or voted on there ought to be some correction. I am at a loss to understand what the effect of striking out those words is going to be. My difficulty is augmented by the fact of the order of page 2. I should like to have the Senator from Idaho, if he is opposing this amendment, explain to us what the effect of it will be, for I confess that, for one Senator, I do not understand it.

Mr. BORAH. Mr. President—

Mr. DU PONT. Mr. President—

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

Mr. BORAH. I do.

Mr. DU PONT. Mr. President, I am not ready to vote on this amendment, not only for the reason just stated by the Senator from Nebraska [Mr. BURKETT], but for the reason, which I previously stated, that I have not been able to hear it on account of the confusion in the Chamber. I ask that the amendment be again stated.

The VICE PRESIDENT. If there be no objection, the Secretary will again state the amendment. No objection is heard.

The SECRETARY. On page 1, beginning at line 7, after the word "vacancies" and the comma, strike out the following words:

And in lieu of all of paragraph 1 of section 4 of said article 1, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators.

Also strike out on page 2 all of lines 9, 10, and 11, reading as follows:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

Mr. CARTER. Mr. President, I expect to vote for this joint resolution in some form or other. My vote will be cast in obedience to the request of the Legislature of the State of Montana, rather than in conformity with any deliberation on my own part on the subject up to the present time. I think, however, it is wise to give this important matter due consideration.

I expect that a vote will be taken at this session in due season to permit the transmission of the joint resolution as adopted by the Senate to the House of Representatives and in season for action by that body, but it seems to me that little advance will be made by the hasty line of proceeding which obtains here this morning. We propose to adopt a joint resolution altering the fundamental law of the Federal Government on an important subject with less ceremony than we ordinarily employ in passing a bridge bill in the Senate.

The joint resolution was first read this morning. Immediately upon the reading of the joint resolution, one, two, three, perchance a greater number of amendments were proposed. The exact relation of the amendments proposed to the text of the joint resolution as reported can not be observed until Senators are given an opportunity carefully to examine the original text and the proposed amendments in connection therewith. No Sen-

ator here is advised of the exact relation of the amendment proposed by the Senator from Utah [Mr. SUTHERLAND] to the text, nor is it quite clear to anyone, nor can it be clear to anyone, as to how that would modify the joint resolution until after it has been pretty carefully read in connection with the joint resolution.

A further question arises as to the effect of the amendment proposed by the Senator from Minnesota [Mr. NELSON]. I venture to say that, outside of the Senator from Minnesota, the Senator from Utah, and the Senator in charge of the bill, there is not a Senator on the floor at the time we are proceeding to vote who can state with any degree of clearness the effect of all these amendments, or any two of them, or any one of them, upon this joint resolution proposing an amendment to the Constitution of the United States.

It does seem to me that it is but proper that, as suggested by the Senator from Minnesota, the amendments proposed should be printed in italics and that the matter should go over until the amendments can be printed in connection with the original text. This would be done, Mr. President, in the case of a bill amending the land laws; it would be done with reference to a bill providing for the construction of a bridge across a river; and it certainly is not asking much to ask that we give equal consideration to a proposed amendment to the Constitution of the United States.

I think this is serious, because the joint resolution in some form is destined to pass the Senate. There is no disposition to filibuster thus far disclosed in any quarter, and I think before this vote is taken it would be wise for the Senator in charge of the joint resolution to allow the matter to go over until the question upon which we are voting can be clearly understood by the Senate. The Senator from Utah made a very brief statement, not exceeding five minutes in length. There was considerable confusion in the Chamber, and, although seated near the Senator, I was not able in the confusion clearly to comprehend the exact modification of the original joint resolution which his amendment proposed. Certainly every Senator in the Chamber is in about the same condition.

Mr. RAYNER. May I ask the Senator a question?

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

Mr. CARTER. I certainly do.

Mr. RAYNER. The Senator stated that others have not considered the amendments. These amendments were all considered by the committee. I want to say this about the pending amendment: It was under the provision which the amendment of the Senator from Utah seeks to perpetuate that the bill known as the "force bill" was attempted to be passed here in the Senate. It was under that provision, and under that provision alone, that the Republican Party conceived it had the power to pass that bill. The Senator can see, therefore, that it must have been examined by our committee. It was carefully considered and carefully examined.

Mr. CARTER. Mr. President, I think it is due the Senate that the committee which gave this matter full and free consideration for a long time should attempt at least to explain these amendments before asking the Senate to vote upon them.

Mr. WARREN. That is right.

Mr. CARTER. Now, Mr. President, we are not only denied an explanation, or the explanation is withheld, but we are requested to vote before we can view the print of the subject matter as presented by the amendments and the original text. This will not advance this important matter speedily; and I ask the Senator in charge of the joint resolution to prefer a request that these amendments be printed, to the end that Senators may on their own account examine them and determine something of their relation to the Constitution as it is and the joint resolution as originally presented. This may result in a day's delay, but it is delay that will enable the Senate to advise itself, and therefore the time will not be lost. I have never before known a matter to be pressed for a vote when the committee in charge of it failed to make any explanation, when a brief statement by a Senator proposing an amendment is all that is presented, and the matter is not so printed as to enable Senators to examine it on their own account.

Mr. BORAH. Mr. President, I suggested a short time ago that a date far removed into the future be fixed for the final consideration of this joint resolution and the amendments thereto. The fact that this was objected to was conclusive to my mind that it was the intention of some one that the joint resolution should not pass at all during the short session. That being true, the lecture of the Senator from Montana [Mr. CARTER] does not fall so heavily upon me as otherwise it might.

This is a matter which has been up for consideration in one form or another before the American people and before Con-

gress for 85 years. It has been discussed in the public forum, discussed in this Chamber by some of the ablest men who have ever occupied seats here, discussed at length in the House of Representatives, and discussed throughout the newspaper realm of the country for years and years. At least 31 States in the Union have approved of the principle covered by this joint resolution, and I have assumed that everyone has practically come to a conclusion with reference to this matter, important as it is. In urging the matter to-day I was actuated particularly by the fact that we are dealing with a short session, and I want to say that I am not wholly without information that it is the intention of some who are opposed to the joint resolution that a vote shall never be taken during this session. If we could agree upon a day certain when the vote could be taken, I would unhesitatingly give any reasonable time, but without that I feel that we ought to proceed.

In reference to the amendment which has been suggested by the Senator from Utah [Mr. SUTHERLAND], it was considered at some length before the committee. The proposition is a simple one. As the joint resolution now stands, the times, places, and manner of electing United States Senators is left entirely to the State. The State may determine the rules and regulations, and the times, places, and manner of holding elections for United States Senators.

If the amendment as offered by the Senator from Utah should prevail, then the matter would be left as it now is, subject to the supervision and control of Congress. The States might, in the first instance, as they did up to 1866, control the matter, fixing the time and place and manner of electing Senators; but Congress might, as it did in 1866, take jurisdiction of the matter and control it in its own way.

Up to 1866 the States did control the subject. Owing to a controversy which arose particularly out of what is known as the Stockton case, coming up from New Jersey, wherein the legislature undertook to fix a rule, which led to a contest in the Senate, the act of 1866 was passed. It was supposed that it would accomplish a great many things, which it has not accomplished. It was supposed that it would prevent deadlocks and make more efficient, more successful, more speedy and satisfactory the manner of electing Senators—and more uniform, as suggested by the Senator from Indiana [Mr. BEVERIDGE].

Now, it is the design of the committee by this joint resolution to leave the matter where it was for many years—that is, in the way in which it may be used, as it was used for many years, and to take away the right of Congress to control the subject at all. That is the only proposition involved in the amendment of the Senator from Utah—whether we shall leave it to the States exclusively, or whether we shall leave it to the States with a supervisory power in Congress. My own judgment is that, in view of the different and changed manner of election, it should be left exclusively to the States.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Utah [Mr. SUTHERLAND].

Mr. CARTER. Mr. President, I desire to inquire of the Senator in charge of the joint resolution as to whether this matter of the time, place, and manner being left to the States, one State might not provide for the election of Senators at a special election to be held in August and another at the general election in November, and thus have elections occurring throughout the year, there being no power left in Congress to require uniformity as to time. I inquire of the Senator as to whether in his opinion, that method of electing at various times would be as wise as the present system of electing according to a uniform system throughout the country.

Mr. BORAH. Mr. President, I think that that matter may be fairly left to the wisdom and judgment of the legislatures of the respective States, and I think that one who studies the history of this matter prior to the act of 1866 and the history since that time will conclude that the States managed it much better than it has been managed under the act of 1866.

Mr. CARTER. Mr. President, may I, then, ask the Senator a question as to why this amendment, lodging the entire power in the States as to the election of Senators, should not likewise place the power wholly and solely in the States as to the Representatives in the lower branch of Congress? Why have one rule or standard as to prescribing the time, manner, and place for electing Senators and another rule or standard for the fixing of the time, place, and manner of electing Members of the House of Representatives? Wherein lies the logic or the reason for the variation of the rule?

Mr. BORAH. It is to be hoped, Mr. President, that in time the wisdom of this will be observed, and that there will be a law leaving entirely to the legislatures of the States the control of the manner of electing Representatives also.

Mr. CULLOM. I should like to inquire of the Senator from Idaho whether he will yield to allow me to move an executive session.

Mr. BORAH. I dislike to refuse to yield; I think I shall not; but I want to say before I do yield that next Monday, or Tuesday at the latest, I shall undertake to have the Senate fix a definite time for voting upon this joint resolution; and I desire, further, to say that unless such a time is agreed upon there will be a very small amount of business done until this matter is disposed of.

I want to be accommodating, and to yield to those who have different views in regard to the matter, but as I observe a lack of disposition to dispose of this question at all, I shall not hereafter yield to requests which may have the effect of delaying a vote.

EXECUTIVE SESSION.

Mr. CULLOM. 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 10 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 13 minutes p. m.) the Senate adjourned until Monday, January 16, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 13, 1911.

COLLECTOR OF CUSTOMS.

Philip S. Malcolm, of Oregon, to be collector of customs for the district of Portland, in the State of Oregon. (Reappointment.)

SURVEYOR OF CUSTOMS.

Marcellus O. Markham, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia. (Reappointment.)

UNITED STATES DISTRICT JUDGE.

Van Vechten Veeder, of New York, to be United States district judge for the eastern district of New York. An original appointment provided for in the act approved June 25, 1910, entitled "An act to provide for an additional judge of the district court for the eastern district of New York."

UNITED STATES ATTORNEY.

William J. Youngs, of New York, to be United States attorney for the eastern district of New York. A reappointment, his term having expired.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

Second Lieut. Charles P. Hollingsworth, Ninth Infantry, from the Infantry arm to the Field Artillery arm, with rank from September 25, 1908.

INFANTRY ARM.

Second Lieut. Joseph T. Clement, First Field Artillery, from the Field Artillery arm to the Infantry arm, with rank from September 25, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 13, 1911.

COLLECTOR OF CUSTOMS.

William H. Lucas to be collector of customs for the district of Jacksonville, Fla.

POSTMASTERS.

IDAHO.

Felix Burgess, Ashton.
E. H. Miles, Shoshone.

IOWA.

Albert H. Brooks, Hawkeye.
Charles B. Dean, Wall Lake.
Wilbert S. Freeman, Le Mars.
William Gray, Clear Lake.
Hans Keiser, Elgin.
Arthur C. Norris, Grinnell.
P. O. Refsell, Emmetsburg.
Sears T. Richards, Edgewood.
Frank E. Tripp, Preston.
Francis Trunkey, Elma.

KANSAS.

Philip S. Dick, Mount Hope.
Charles N. Hunt, Arkansas City.
Elwood J. Muzzy, Lenora.
Jonah E. Nickols, Atwood.
William P. Olmstead, Anthony.
John M. Van Scoyoc, Luray.

LOUISIANA.

John J. Drost, Sulphur.
Paunie Glover, Arcadia.
Lena E. Henderson, St. Joseph.
A. C. Lea, Shreveport.

MONTANA.

James C. Bailey, Whitefish.
H. W. Douglas, Polson.
Sydney L. Foster, Sheridan.
Louden Minugh, Harlem.
Arthur E. Northey, Sidney.

NEBRASKA.

Frank M. Cox, Waco.
Henry E. Langevin, Curtis.
W. A. McAllister, Columbus.
F. C. Schroeder, Eustis.

PENNSYLVANIA.

John T. McCormick, Milroy.

SOUTH CAROLINA.

James B. Bodle, Leesville.
Levi S. Bowers, Prosperity.
Charles E. Carman, Alken.
C. D. Cooper, Mayesville.
J. W. Geraty, Yorges Island.
Samuel J. Leaphart, Lexington.
Thomas B. McLaurin, Bennettsville.
Benjamin H. Massey, Fort Mill.
Jefferson F. Richardson, Greenville.
George D. Shore, Sumter.
Paul H. E. Sloan, jr., Pendleton.

VIRGINIA.

Wilmer L. Dechert, Harrisonburg.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from an arrangement relative to the repression of the circulation of obscene publications, signed at Paris May 4, 1910.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 13, 1911.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

APPORTIONMENT OF REPRESENTATIVES.

Mr. CRUMPACKER. Mr. Speaker, by direction of the Committee on the Census, I submit the following report (No. 1911) upon the apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census, a privileged report.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 30566) for the apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census.

The SPEAKER. The gentleman from Indiana will please give his attention. Is there any expenditure involved or authorization of expenditure that would send this bill, under the rule, to the Committee of the Whole House on the state of the Union?

Mr. CRUMPACKER. My impression is that it will go to the Committee of the Whole House on the state of the Union, because it increases the membership of the House and incidentally increases expenditures.

The SPEAKER. The Chair is inclined to doubt that proposition.

Mr. CRUMPACKER. There is no other item of expenditure, direct or indirect, in the bill.

Mr. MANN. Does it not necessarily follow that there will be an increase of expenditure?

The SPEAKER. The Chair would be glad to hear the gentleman from Indiana.

Mr. PAYNE. Mr. Speaker, I want to suggest to the gentleman that possibly Congress might conclude to reduce the salary of Members to \$5,000, and the expenditure would be less.

Mr. MANN. But under the law as it now stands the salary of Members is fixed, and an increase in the membership would increase the expenditure. You can not presume salaries will be decreased.