with the party he so ardently loved and for which he had so untiringly toiled all his life. A strict constitutionist, he resisted with his profound reasoning, matchless oratory, and indomitable opposition the adoption of the new and radical doctrine of the Republican party that established a republic in Cuba and by force of might denied one to the Filipino, acquiring sovereignty over the Philippines instead.

His veneration for the Constitution and unyielding adherence to a strict construction of its provisions weakened his influence in the Senate, but immeasurably increased the affection the people bore him. The attitude of Senator HOAR upon the Philippine question was consistent with every public act of his life.

In the earlier days, when the spirit of race and religious bigotry was rampant, when the movement to proscribe the alien was gaining alarming impetus, GEORGE FRISBIE HOAR stood up, a colossal figure, in opposition. For this Christian stand taken by him and men of his kind a tremendous debt of gratitude is owed by the immigrants of fifty years ago, their children and grandchildren.

The son of an alien myself, I recall with thankfulness my father's frequent and feeling reference to the liberality and broadmindedness of Senator HOAR in those trying times. Like many of his kind, my father sought these friendly shores whose arms were said to be extended in readiness to grasp in friendly embrace those who sought relief from the oppressions and tyrannies of monarchical governments, and whose ambition it was to seize the opportunities in which this country so richly abounded.

Forced from an unfortunate country whose history is one of never-ending wrong, every page of which makes the heart sick with its record of persecution and annihilation, my expatriated father, with hope unlimited, sought refuge in this country, the Mecca of the oppressed of the world. Imagine his surprise and disappointment to soon find an element in the land he had dreamed of as the garden of liberty shrieking their hatred of the foreign born, and demanding their suppression, deportation, and ofttimes their destruction.

When feeling and prejudice ran high, with no fear of political or social effect, Senator HOAR stood up in opposition, and did much to bring the American people to a realization of the incongruous position they had taken. When again, in my day, this spirit of intolerance and narrowness was revived; when men high in the councils of his party and influential in shaping its policies covertly connived at the unpatriotic work that was going on, or cowardly evaded meeting the reprehensible issue, Senator HOAR came out into the open and denounced it as vehemently as his intense nature would permit. His denunciation stirred the people so thoroughly that the unholy movement soon died unwept, dishonored, and soon forgotten.

Senator HOAR'S masterly attributes were a blessed inheritance. It is not to be wondered that he was scholarly, for his A B C's were taught him by a mother who inherited rare intellectuality which she instilled and imparted to her son, and in his rudimentary studies he was instructed by an exceptionally talented father.

That he was intensely patriotic was due not only to the influence of heredity, for environment contributed as well. Nursed by a mother whose father, Roger Sherman, was a potent factor in shaping the events that led to the Revolutionary war, and rocked upon the knee of a father whose father stood at Concord Bridge, one of the intrepid few that fired the shot that gave impetus to the war that resulted in the formation of this great nation, he could not be otherwise than patriotic.

As a lad he romped upon highways and byways that were rich in historical traditions, and grew into manhood in an atmosphere of patriotism. He imbibed freely of the profound philosophy from the pure wells that were plentiful within the confines of classic Concord from the time he arrived at the age of understanding. The effect upon young HOAR would lend credence to the theory that—

> Youth, like the softened wax, with ease will take
> The images that first impressions make.

Nature gave bountifully when endowing Senator HOAR. She made him industrious, and he applied that industry to the end that his fellows might benefit from it; she lavished upon him literary attainments, and the result of his efforts in those fields were inspiring and instructive; she made his nature broad and liberal, and that liberality exercised a potent influence in enlarging the scope of civic rights and religious freedom of the harassed and circumscribed; she blessed him with rare powers of statesmanship that were all exerted in enhancing the honor and glory of his country.

Mr. Speaker, Massachusetts has filled the places allotted her in yonder Hall by the nation, where in bronze and marble the several States may perpetuate their favorite sons. Were there another place available the overwhelming sentiment of the people of Massachusetts, without regard to race, religion, or political party, would be voiced in favor of the selection of a statue of him who embodied her ideals of manliness, patriotism, liberality, learning, and statesmanship—GEORGE FRISBIE HOAR.

Mr. LOVERING. Mr. Speaker, there were several other Members who desired to speak, but who have been unable to be present. I therefore ask unanimous consent that permission be given to those who desire to do so to print in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Now, in pursuance to the resolution heretofore adopted, the House stands adjourned.

Accordingly (at 2 o'clock and 37 minutes p. m.) the House adjourned.

SENATE.

MONDAY, *February 13, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

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

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

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

S. 4503. An act to provide for sittings of the circuit court and district courts of the southern district of Florida in the city of Fernandina, in said district; and

S. 5972. An act permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn.

The message also announced that the House had passed the following bills and joint resolution:

S. 54. An act for the relief of William B. Barnes;

S. 57. An act for the relief of Laura S. Gillingwaters;

S. 60. An act for the relief of Gottlieb C. Rose;

S. 2433. An act to amend the military record of John H. Skinner;

S. 3218. An act for the relief of Civil Engineer P. C. Asserson, retired;

S. 4079. An act for the relief of James Denton;

S. 4096. An act for the relief of Louis J. Souer, collector of internal revenue for the collection district of Louisiana.

S. 5172. An act for the relief of the heirs of D. C. McCan and Edward Conery, sr.;

S. 5997. An act authorizing the President to nominate and appoint William L. Patterson a second lieutenant in the United States Army;

S. 6270. An act directing the issue of a check in lieu of a lost check drawn in favor of W. W. Montague & Co., of San Francisco, Cal.;

S. 6337. An act for the establishment of subports of entry at Rouses Point and Malone, N. Y.;

S. 6951. An act to authorize the Spokane International Railway Company to construct and maintain bridge across the Pend d'Oreille River and the Kootenai River in the county of Kootenai, State of Idaho; and

S. R. 65. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

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

H. R. 1860. An act for the relief of certain enlisted men of the Twentieth Regiment of New York Volunteer Infantry;

H. R. 2848. An act for the relief of Capt. Ferdinand Hansen;

H. R. 6821. An act to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzger;

H. R. 8413. An act for the relief of John Gretzer, jr.;

H. R. 12679. An act for the relief of M. L. Skidmore;

H. R. 12881. An act for the relief of Ellen A. Dunn;

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H. R. 14522. An act directing the issue of a check in lieu of a lost check drawn by Col. John V. Furey, Assistant Quartermaster-General, United States Army, in favor of John Wanamaker;

H. R. 15609. An act providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes;

H. R. 15763. An act granting an honorable discharge to Frederick H. Stafford;

H. R. 16584. An act for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa.;

H. R. 17175. An act for the relief of Capt. Frank D. Ely;

H. R. 17564. An act granting an increase of pension to Martha L. H. Spurgin;

H. R. 17579. An act to create a new division of the western judicial district of Louisiana, and to provide for terms of court at Lake Charles, La., and for other purposes;

H. R. 17869. An act relating to the Monroe and Lake Providence Railroad Company;

H. R. 18040. An act to authorize Gila County, Ariz., to issue $40,000 in bonds to build a court-house, and so forth;

H. R. 18196. An act to amend section 4405 of the Revised Statutes of the United States;

H. R. 18197. An act to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels;

H. R. 18198. An act to amend sections 4417, 4453, 4488, and 4499 of the Revised Statutes relating to the Steamboat-Inspection Service, and section 5344 of the Revised Statutes relating to misconduct by officers or owners of vessels;

H. R. 18201. An act to amend sections 4418, 4480, and 4483 of the Revised Statutes and to repeal sections 4435, 4436, and 4459 of the Revised Statutes, all relating to the Steamboat-Inspection Service;

H. R. 18202. An act to amend sections 4415, 4416, 4423, 4426, 4449, 4452, 4470, 4472, 4498, and 4233 of the Revised Statutes of the United States, relating to steamboat inspection;

H. R. 18208. An act to amend section 4472 of the Revised Statutes so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles), using the same as a source of motive power;

H. R. 18358. An act to authorize the Borderland Coal Company, of Nolan, W. Va., to bridge the Tug Fork of the Big Sandy River at a point about 2 miles east of Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky;

H. R. 18513. An act to extend the time for the commencement and completion of a bridge across the Missouri River at or near Pierre, S. Dak.;

H. R. 18527. An act for the relief of Lieut. D. W. Blamer, United States Navy; and

H. R. 18676. An act to amend the seventh section of an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and amended June 6, 1900.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

S. 4169. An act granting a pension to Galena Jouett;

S. 5732. An act granting a pension to Philip Lawotte;

S. 5947. An act granting an increase of pension to Florence O. Whitman; and

S. 6152. An act granting an increase of pension to Anne E. Wilson.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes and to protect the same.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15578) to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold and silver used in the arts, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MANN, and Mr. SHACKLEFORD managers at the conference on the part of the House.

The message further transmitted resolutions passed by the House commemorative of the life and public services of Hon. GEORGE FRISBIE HOAR, late a Senator from the State of Massachusetts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 17992. An act to permit the legislative assembly of the Territory of Oklahoma to make appropriations for the erection of buildings for the Agricultural and Mechanical College of said Territory; and

H. R. 18757. An act making an appropriation for clearing the Potomac River of ice.

CREDENTIALS.

Mr. McLAURIN presented the credentials of HERNANDO DE SOTO MONEY, chosen by the legislature of Mississippi a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the legislative assembly of the Territory of Oklahoma, relative to the enactment of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a memorial of the legislative assembly of the Territory of Arizona, remonstrating against granting to the State of Utah certain land north of the Colorado River; which was referred to the Committee on Territories.

Mr. HOPKINS presented petitions of the Union League Club, of Chicago; of the Commercial Club, of Chicago, and of the International Arbitration Society, of Chicago, all in the State of Illinois, praying for the ratification of international arbitration treaties; which were ordered to lie on the table.

Mr. CLARK of Wyoming presented a joint resolution of the legislature of Wyoming, relative to the opening of the Shoshone Indian Reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

[The State of Wyoming, office of the secretary of state.]

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Fenimore Chatterton, secretary of state of the State of Wyoming, do hereby certify that the hereunto attached is a full, true, and correct copy of House joint resolution No. 5, the same being a joint resolution relating to the opening of the Shoshone Indian Reservation.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 10th day of February, A. D. 1905.

[SEAL.] F. CHATTERTON,
Secretary of State.
By C. L. HINKLE, *Deputy.*

House joint resolution No. 5, a joint resolution relating to the opening of the Shoshone Indian Reservation.

Be it resolved by the house of representatives of the State of Wyoming (the senate concurring), That the immediate opening of the Shoshone Indian Reservation would be a vast benefit to the State of Wyoming as well as to the entire West, and advantageous to the Indians concerned.

We therefore urge that the Congress of the United States pass a bill for such opening at the present session.

Approved February 8, A. D. 1905.

Mr. CLARK of Wyoming presented a petition of Rocky Mountain Subdivision, No. 103, Brotherhood of Locomotive Engineers, of Wyoming, and a petition of Sheridan Subdivision, No. 624, Brotherhood of Locomotive Engineers, of Wyoming, praying for the enactment of legislation to prohibit the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman; which were referred to the Committee on Interstate Commerce.

Mr. PLATT of New York presented petitions of the Interdenominational Council of Women, of New York City; of the Woman's Christian Temperance Union of New York City, and of the Woman's Christian Temperance Union of Lockport, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of Local Union No. 279, Cigarmakers' International Union, of Plattsburg, N. Y., and a memorial of Local Union No. 229, Cigarmakers' International Union, of Binghamton, N. Y., remonstrating against any reduction of the duty on tobacco and cigars imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented petitions of sundry citizens of Woodlawn, New York City, Brooklyn, Syracuse, and Phoenix, and of the New Yorker Deutscher Apotheker Verein, of New York City, all in the State of New York, praying for the enactment of legisla-

tion to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented a petition of the National League Commission of Buffalo, N. Y., and a petition of the Fruit and Produce Trade Association of New York City, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the United States Export Association, remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Just in Time Lodge, No. 149, Brotherhood of Locomotive Firemen, of New York City; of L. S. Coffin Lodge, No. 311, Brotherhood of Railroad Trainmen, of Mechanicville, and of Local Division No. 444, Order of Railway Conductors, of Olean, all in the State of New York, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Merchants and Manufacturers' Board of Trade, of New York City, praying for the enactment of legislation providing for increase of salaries of the President, Vice-President, Speaker of the House of Representatives, members of the Cabinet, and Representatives and Delegates in Congress; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Spencer Chemical Fire Company, of Spencer, N. Y., and a memorial of the Tioga Hose Company, of Waverly, N. Y., remonstrating against the passage of the so-called "Morrell insurance bill;" which were referred to the Committee on the Judiciary.

He also presented a memorial of the Clothiers' Association of New York City, remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. GIBSON presented a joint resolution of the legislature of Montana, relative to the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

House joint resolution No. 1. Resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people.

Whereas a large number of the State legislatures have at various times adopted memorials and resolutions in favor of the election of United States Senators by popular vote; and

Whereas the National House of Representatives has on several occasions within recent years adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States shall call a convention for proposed amendments; and believing there is a general desire upon the part of the citizens of the State of Montana that the United States Senators should be elected by a direct vote of the people: Therefore, be it

Resolved (if the senate concur), That the legislature of the State of Montana favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of the convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States, the Speaker of the House of Representatives, and also to each of the United States Senators from Montana and our Representative in Congress.

WYLLYS A. HEDGES,
Speaker of the House.
EDWIN NORRIS,
President of the Senate.

Approved January 31, 1905.

J. K. TOOLE, *Governor.*

Filed January 31, 1905, at 4.15 p. m.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is, with the exception of corrections in orthography and punctuation, and insertion of omissions or substitute words in brackets, a true and correct copy of house joint resolution No. 1, resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people, enacted by the ninth session of the legislative assembly of the State of Montana and approved by J. K. Toole, governor of said State, on the 31st day of January, A. D. 1905.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 31st day of January, A. D. 1905.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. COCKRELL presented a petition of the Manufacturers' Association, of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of W. E. Morse Division, No. 611, Brotherhood of Locomotive Engineers, of Eldon, Mo., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented the petition of John B. Sleman, jr., of the city of Washington, praying for the enactment of legislation to establish a juvenile court and probation system in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of John B. Sleman, jr., of the city of Washington, praying that an appropriation of $2,000 be made for the establishment of public playgrounds in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KEAN. I present a memorial of the directors of the United States Export Association, relative to the so-called "Townsend railroad-rate bill." I ask that the memorial may be read, and referred to the Committee on Interstate Commerce.

There being no objection, the memorial was read, and referred to the Committee on Interstate Commerce, as follows:

[United States Export Association, New York.]

At a meeting of the directors of the United States Export Association, held February 11, 1905, the following memorial was adopted:

To the honorable the members of the Senate of the United States:

Your memorialists respectfully ask your consideration of the following points bearing upon the Townsend bill, conferring rate-making powers upon the Interstate Commerce Commission, which has been passed by the House of Representatives:

First. A matter of very great importance has been acted upon hastily and without due investigation and consideration.

Second. The main evil—unjust discrimination—is not remedied by this bill, and this is the chief thing to be remedied. Rates in this country, as a whole, are low enough, less than one-half those of other principal countries.

Third. The Townsend bill makes the findings of the Interstate Commerce Commission operative in thirty days unless enjoined by the courts. This should be changed so as not to be operative until passed upon and confirmed by the courts, the reason for this being that most rates are basic. One change might affect a thousand or a million and inflict irreparable damage on our transportation interests, whereas an aggrieved shipper has a remedy against responsible carriers through the courts, the action of which it is proposed to expedite. The National Board of Trade, representing forty-six of the principal commercial organizations of the United States, at its recent annual convention adopted a unanimous report by a committee of which Mr. E. P. Bacon, the chief promoter of this legislation, was a member, expressly indorsing this view. A copy of the action of the National Board of Trade is annexed.

Fourth. The Townsend bill not only does not remedy unjust discriminations by means of private-car lines and terminal railroads, but fails to recognize that reasonable agreements between carriers are necessary to remove the cause of unjust discriminations. The Sherman antitrust act, which, under the decision of the Supreme Court in the "Trans-Missouri" and "Joint-traffic" case, makes such agreements illegal, was not intended to apply to railroads, as is evidenced by the declaration of the late Senator Hoar, who was chairman of the Judiciary Committee of the Senate when this law was enacted.

Fifth. While opinions may differ as to the advisability of conferring additional powers upon the Interstate Commerce Commission before those conferred by the Elkins amendment have been fairly tried, there can be no doubt that the Townsend bill is a crude measure, hurriedly passed to please an honest and popular President, who in his own heart only wants what is reasonable and would be as sorry as anybody to have ill-advised action. We therefore hope that the Senate will carefully investigate the whole question before taking action.

Respectfully submitted by

[SEAL.] THE UNITED STATES EXPORT ASSOCIATION.

Attest:

HYLTON SWAN, *Secretary.*

Mr. KEAN presented a petition of the congregation of the Reformed Church of Franklin Park, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the legislature of Minnesota, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was read, and referred to the Committee on Interstate Commerce, as follows:

A memorial from the legislature of the State of Minnesota to the Congress of the United States, for the early enactment of the law giving the Interstate Commerce Commission enlarged and adequate powers to regulate railroad rates.

Resolved by the house of representatives of the State of Minnesota, the senate thereof concurring, That the Congress of the United States be, and is hereby, respectfully urged to enact into law, as speedily as practicable, authority to the Interstate Commerce Commission to adequately and effectively regulate railroad rates and to enforce such reasonable rates as it may fix.

Resolved, That the secretary of state be, and is hereby, requested to forthwith transmit certified copies of this memorial to the Senate and the House of Representatives of the Congress, and to send copies to each of the Senators and Representatives therein from this State.

Approved February 7, 1905.

UNITED STATES OF AMERICA,
State of Minnesota, Department of State.

I, P. E. Hanson, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original memorial in my office of a memorial from the legislature of the State of Minnesota to the Congress of the United States, being H. F. No. 2, approved February 7, 1905, and that said copy is a true and correct transcript of said memorial and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol in St. Paul this 9th day of February, A. D. 1905.

[SEAL.] P. E. HANSON, *Secretary of State.*

Mr. CLAPP presented a petition of sundry citizens of Hendricks, Detroit, and Browns Valley, all in the State of Minnesota, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

Mr. PENROSE presented sundry papers to accompany the bill (S. 4901) for the relief of Emaline Johns; which were referred to the Committee on Claims.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Pennsylvania, and a petition of the Retail Druggists' Association of Chicago, Ill., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented a petition of E. D. Baker Post, No. 8, Grand Army of the Republic, Department of Pennsylvania, of Philadelphia, Pa., praying for the enactment of legislation providing that, if allowed, all pensions shall date from the filing of the first application; which was referred to the Committee on Pensions.

He also presented petitions of Washington Camp, No. 388, Patriotic Order Sons of America, of Geigers Mills, Pa., and a petition of Washington Camp, No. 228, Patriotic Order Sons of America, of Newmanstown, Pa., praying for the adoption of more stringent laws and regulations governing immigration; which were referred to the Committee on Immigration.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Concurrent resolution introduced by the committee on railroads, relating to Interstate Commerce Commission.

Whereas the arbitrary power of the railroads to fix rates subject to no modification by the shippers or the people has by unjust discriminations built up huge monopolies that are antagonistic to public good: Therefore, be it

Resolved by the senate of the ninth legislative assembly of the State of North Dakota (the house of representatives concurring), That we urge and earnestly request our Senators and Members in Congress to assist in the enactment of a law giving increased power to Interstate Commerce Commission in conformity with the recommendations contained in President Roosevelt's message to Congress.

Resolved, That an engrossed copy of these resolutions be forwarded to each of our Senators and Members in Congress.

Mr. FORAKER presented a memorial of the National Wine Growers' Association of America, of Sandusky, Ohio, remonstrating against the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. WARREN. I present resolutions adopted at a mass meeting of sundry citizens of Fremont County, Wyo., relative to the opening of the Shoshone Indian Reservation. I ask that the resolutions may be printed in the RECORD, and referred to the Committee on Indian Affairs.

There being no objection, the resolutions were referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

LANDER, WYO., *February 7, 1905.*

Resolutions passed by a mass meeting called by the mayor held at Lander, this date.

Whereas a treaty was signed April 21, 1904, between the Indians occupying the Shoshone Indian Reservation, located in this county, and the Interior Department for the cession of their surplus lands, and the said Indians are very anxious to have the provisions of that treaty carried into effect; and

Whereas a great deal of railroad building by three or more lines has been planned contingent upon the passage of this bill, and the development of this State and other regions of the West and Northwest are dependent upon prompt Congressional action in this matter; and

Whereas both State and Federal courts have held unanimously that actual use of the waters for beneficial purposes is necessary in order to secure any right or claim for the use of water; and

Whereas the waters of the streams traversing the Shoshone Indian Reservation herein mentioned are rapidly being appropriated elsewhere: Therefore, be it

Resolved, That we do hereby respectfully petition Congress to give this matter immediate and favorable consideration to the end that this legislation, vital and important to our section, may be enacted before the expiration of the present session, and that we urge our Senators and Representatives to use their best efforts to that end.

S. CONANT PARKS, *Chairman.*
Attest: W. T. ADAMS, *Secretary.*

Mr. WARREN presented resolutions of the legislature of Wyoming relative to the opening of the Shoshone Indian Reservation; which were referred to the Committee on Indian Affairs.

Mr. FRYE presented a petition of the National Board of Trade, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Business League, of Chicago, Ill., praying for the adoption of certain amendments to the present public-land laws; which was referred to the Committee on Public Lands.

He also presented a memorial of the United States Export Association, of New York, remonstrating against the passage of the so-called "Townsend railroad rate bill;" which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17240) granting an increase of pension to Luther Kaltenbach; and

A bill (H. R. 16501) granting an increase of pension to George Jaggers.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 17411) granting an increase of pension to Abel Grovenor, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 202) granting a pension to Harriet E. Penrose, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 18728) to authorize the board of supervisors of Berrien County, Mich., to construct a bridge across the St. Joseph River near its mouth, in said county, reported it without amendment.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 6484) granting an increase of pension to Ellen Scott, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5118) granting an increase of pension to Andrew R. Mark, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 14575) granting an increase of pension to Laura P. Swentzel;

A bill (H. R. 1263) granting an increase of pension to David Phillips;

A bill (H. R. 17290) granting an increase of pension to John W. Grove;

A bill (H. R. 17900) granting an increase of pension to Edward M. Mobley;

A bill (H. R. 14909) granting an increase of pension to Albert E. Barnes;

A bill (H. R. 15919) granting an increase of pension to Joseph Fike; and

A bill (H. R. 15661) granting an increase of pension to Malden Valentine.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 15723) granting an increase of pension to Frederick Leloh, to submit an adverse report thereon, and to move its indefinite postponement, the beneficiary thereof having died since the bill was passed by the House.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5887) granting an increase of pension to William H. Swinney;

A bill (H. R. 7609) granting an increase of pension to Mary A. Ryon;

A bill (H. R. 3273) granting an increase of pension to William E. Hill;

A bill (H. R. 5205) granting an increase of pension to Francis Wilson;

A bill (H. R. 10392) granting an increase of pension to Silas B. Irion;

A bill (H. R. 11303) granting an increase of pension to Robert Balsking;

A bill (H. R. 10353) granting an increase of pension to Henry S. Riggs;

A bill (H. R. 17917) granting an increase of pension to Lewis Hammack;

A bill (H. R. 17361) granting an increase of pension to Samuel H. Benfro;

A bill (H. R. 17222) granting an increase of pension to William G. Mullen;

A bill (H. R. 17390) granting an increase of pension to Samuel Sunderland;

A bill (H. R. 17443) granting an increase of pension to Oscar Hinkley;

A bill (H. R. 17660) granting an increase of pension to James H. Wasson;

A bill (H. R. 17977) granting an increase of pension to William Barnhard;

A bill (H. R. 16177) granting an increase of pension to Elisha C. Davidson; and

A bill (H. R. 18144) granting an increase of pension to William Stout.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 6472) granting an increase of pension to Samuel Hice, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17635) granting a pension to John Burke;

A bill (H. R. 7761) granting an increase of pension to Quintus Hummel;

A bill (H. R. 17300) granting an increase of pension to Charles H. Penoyer;

A bill (H. R. 18095) granting an increase of pension to Charlotte F. Russell;

A bill (H. R. 10691) granting an increase of pension to James W. Hilyard;

A bill (H. R. 11399) granting an increase of pension to James Sleeth;

A bill (H. R. 11465) granting an increase of pension to Frances E. Rex; and

A bill (H. R. 18268) granting an increase of pension to Annie Crawford.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (H. R. 15305) granting a pension to Isaac F. Clayton, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17261) granting a pension to Mary A. Gibson;

A bill (H. R. 18003) granting an increase of pension to Alfred Rowan;

A bill (H. R. 17770) granting an increase of pension to Matilda D. Clark; and

A bill (H. R. 17236) granting an increase of pension to Sarah B. Hirll.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 7124) granting an increase of pension to Harris Howard, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7125) granting an increase of pension to Lorenzo D. Cousins, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 11855) granting an increase of pension to John Cross;

A bill (H. R. 11859) granting an increase of pension to Deborah H. Bliss;

A bill (H. R. 15874) granting an increase of pension to John Kingdon;

A bill (H. R. 17274) granting a pension to Louis A. Lavalley; and

A bill (H. R. 5876) granting an increase of pension to Elijah S. Carleton.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 15617) granting an increase of pension to Aaron S. Gatliff, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7155) granting an increase of pension to Adelaide Worth Bagley, reported it with an amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17147) granting an increase of pension to James A. Gossett; and

A bill (H. R. 15252) granting an increase of pension to Maria Edmundson.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6477) granting an increase of pension to Alice S. Shepard;

A bill (H. R. 17755) granting an increase of pension to Davis D. Osterhoudt;

A bill (H. R. 17653) granting an increase of pension to Hezekiah H. Sherman;

A bill (H. R. 17595) granting an increase of pension to Catherine A. Hogan;

A bill (H. R. 17558) granting an increase of pension to Sarah A. Morrison;

A bill (H. R. 17849) granting an increase of pension to James Freeman;

A bill (H. R. 17262) granting an increase of pension to Jennie N. Jones;

A bill (H. R. 9271) granting an increase of pension to William Dyas;

A bill (H. R. 2114) granting an increase of pension to William McCloud; and

A bill (H. R. 15529) granting an increase of pension to James M. Elkinton.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13656) granting an increase of pension to Mary W. Martin;

A bill (H. R. 17232) granting an increase of pension to Martha McAfee; and

A bill (H. R. 17773) granting an increase of pension to William Hubbs.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 11204) to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter, reported it without amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 3954) providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State or city of the United States in the capitol building or city hall of said State or city, reported it with amendments, and submitted a report thereon.

Mr. MORGAN (for Mr. BALL), from the Committee on Public Health and National Quarantine, to whom was referred the bill (S. 7055) to provide a leprosarium for the segregation of lepers and to prevent the spread of leprosy in the United States, reported it with amendments, and submitted a report thereon.

Mr. ELKINS, from the Committee on Interstate Commerce to whom was referred the bill (S. 6965) to promote the security of travel upon railroads engaged in interstate commerce, and to encourage the saving of life, reported it without amendment and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14108) granting an increase of pension to Timothy L. Taylor;

A bill (H. R. 5284) granting an increase of pension to John Maupin;

A bill (H. R. 15823) granting an increase of pension to James M. Liddil;

A bill (H. R. 15822) granting an increase of pension to Oliver P. Beckmon;

A bill (H. R. 17244) granting an increase of pension to John Winemiller;

A bill (H. R. 17605) granting an increase of pension to Joseph B. Scott; and

A bill (H. R. 16099) granting an increase of pension to Lafayette Boutwell.

RAILROAD BRIDGES IN LOUISIANA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17481) authorizing the Alexandria, Bayou Maçon and Greenville Railway Company to construct bridges over Red River, Little River, Ouachita River, and Bayou Louis, in Louisiana, to report it favorably without amendment.

Mr. McENERY. I ask for the immediate consideration of the bill just reported from the Committee on Commerce.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary proceeded to read the bill.

Mr. PROCTOR. I shall have to object to the consideration of the bill.

Mr. BERRY. It is a bill which the Senator from Louisiana [Mr. McENERY] desires to have passed now, and he does not often trouble the Senate.

Mr. PROCTOR. It is getting to be almost planting time, and the agricultural appropriation bill has been long before the Senate. I shall ask to have the appropriation bill taken up as soon as the routine business is concluded.

Mr. BERRY. The bill has been partly read. It is a bill in which the Senator from Louisiana is interested, and it is not often that he makes such a request. I hope the bill will be allowed to go through.

Mr. PROCTOR. Very well, I will not insist on my objection in this case.

The Secretary resumed and concluded the reading of the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

PRIVATE PENSION BILLS.

Mr. McCUMBER. I wish to announce that the Committee on Pensions will be unable to consider any further Senate bills for private pensions, and unless those having in charge the several appropriation bills will be kind enough to yield in a day or two for the consideration of the Pension Calendar it will be impossible to have those become laws which are now on the Calendar.

SCHOOLS IN ALASKA.

Mr. NELSON. I am directed by the Committee on Territories, to whom was referred the bill (S. 7012) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," to report it favorably without amendment and to ask for its present consideration. It is simply to correct an error in the enrollment of a bill:

The PRESIDENT pro tempore. The Secretary will read the bill reported by the Senator from Minnesota.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to its present consideration?

Mr. BATE. I wish the title to be read again.

The Secretary read the title of the bill.

Mr. NELSON. I desire to say to the Senator from Tennessee that it is only to correct an error in enrollment. The act, as it passed, provided for the election of a board of school officers, the members of the first board to hold for one, two, and three years. The word "one" was left out by mistake in enrollment. That is all there is in the bill.

Mr. BATE. So it only affects the machinery of it?

Mr. NELSON. That is all—just one word to supply an error.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

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

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

BILLS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 7167) to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. BLACKBURN introduced a bill (S. 7168) for the relief of drafted men in the State of Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM (by request) introduced a bill (S. 7169) providing for the arching of Rock Creek from L street to Connecticut avenue extended; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 7170) for the relief of James A. Russell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7171) granting an increase of pension to Lewis R. Bland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 7172) providing for the appointment of an appraiser of merchandise and an assistant appraiser for the customs collection district of Puget Sound, State of Washington; which was read twice by its title.

Mr. FOSTER of Washington. I ask that the bill be referred to the Committee on Commerce.

The PRESIDENT pro tempore. The Chair thinks it should go to the Committee on Finance.

Mr. MONEY. I think the proper reference of the bill is the Committee on Finance.

The PRESIDENT pro tempore. That is what the Chair has just suggested to the Senator from Washington.

Mr. FOSTER of Washington. Very well.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance.

Mr. WETMORE introduced a bill (S. 7173) to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MONEY introduced a bill (S. 7174) for the relief of Mary Marsh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 7175) for the relief of the estate of Oliver Milburn, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 7176) to amend sections 826, 827, 834, and 934 of the Code of Law for the District of Columbia, relating to the definition of larceny, the restitution of stolen property, the definition of embezzlement, and to imprisonment of prisoners convicted of crime; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. WETMORE submitted an amendment proposing to appropriate $50,000 for the improvement of Pawtucket River, Rhode Island, 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.

He also submitted an amendment proposing to increase the appropriation for improving the harbor of Great Salt Pond, Block Island, Rhode Island, and for extending south jetty and dredging from $20,000 to $50,000, 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. McENERY submitted an amendment proposing to appropriate $100,000 for constructing two locks and dams, one near Catahoula Shoals, Louisiana, and the other near Franklin Shoals, Arkansas, 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. BERRY submitted an amendment proposing to appropriate $480,000 for improving upper White River, Arkansas, 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 the following amendments, intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to appropriate $100,000 for the protection of the harbor at Natchez, Miss., on the Mississippi River;

An amendment proposing to increase the appropriation for continuing improvement and for maintenance, Pascagoula River, Mississippi, from $50,000 to $225,000; and

An amendment providing for a survey of the anchorage basin at Gulfport, Miss., and channel therefrom to the roadstead at Ship Island, and for a survey of Ship Island Pass between Ship and Cat islands.

Mr. TALIAFERRO submitted an amendment providing that in the removal of the water hyacinth from the navigable waters of the State of Florida no chemical process injurious to cattle

which feed upon the water hyacinth shall be used, 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.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. TELLER submitted an amendment authorizing the Sergeant-at-Arms to appoint Thomas Kennedy as a laborer in the Senate folding room, at a salary of $840 per annum, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. HANSBROUGH (for Mr. FOSTER of Washington) submitted an amendment proposing to carry into effect an agreement of May 9, 1891, between the Indians residing on the Colville Reservation and the Commissioners appointed by the President under the authority of the act of Congress approved August 19, 1890, to negotiate with the Colville and other bands of Indians on the Colville 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.

CONVENIENCE STATIONS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. There is a message on the table from the House of Representatives, transmitting amendments to Senate bill 4156. I should like to have the amendments laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4156) for the establishment of public-convenience stations in the District of Columbia.

Mr. GALLINGER. I move that the Senate disagree to the amendments made by the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN were appointed.

AFFAIRS IN SANTO DOMINGO.

Mr. BACON. I submit a Senate resolution, for which I shall ask present consideration unless some Senator prefers that it shall go over. I ask that it may be read.

The PRESIDENT pro tempore. The resolution will be read.

Mr. PROCTOR. I give notice that I shall have to object——

Mr. BACON. This is morning business.

Mr. PROCTOR. But I shall have to object to its present consideration.

Mr. BACON. I can have the resolution read, and if the Senator objects it will go over.

Mr. PROCTOR. I must object to its present consideration.

Mr. BACON. I desire to have it read for information.

The PRESIDENT pro tempore. The Senator from Georgia asks that it may be read. The Secretary will read it.

The Secretary read the resolution, as follows:

Whereas on the 31st day of January, 1903, there was signed by W. F. Powell, chargé d'affaires, on behalf of the United States, and by Jno. Fco. Sánchez, ministro de relaciones exteriores, on behalf of the Republic of Santo Domingo, a protocol of an agreement between the United States of America and the Dominican Republic, in words as follows:

PROTOCOL OF AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINICAN REPUBLIC, FOR THE SUBMISSION TO ARBITRATION OF CERTAIN QUESTIONS AS TO THE PAYMENT OF THE SUM HEREINAFTER AGREED TO BE PAID BY THE DOMINICAN GOVERNMENT TO THE GOVERNMENT OF THE UNITED STATES ON ACCOUNT OF THE CLAIMS OF THE SAN DOMINGO IMPROVEMENT COMPANY, OF NEW YORK, A CORPORATION UNDER THE LAWS OF THE STATE OF NEW JERSEY AND A CITIZEN OF THE UNITED STATES, AND ITS ALLIED COMPANIES.

Whereas differences exist between the Dominican Government and the "San Domingo Improvement Company" and its allied companies; and

Whereas, as the result of those differences, the interests of the Improvement Company and its allied companies, viz: "The San Domingo Finance Company, of New York," "The Company of The Central Dominican Railway," both being corporations created under the laws of New Jersey, and the National Bank of San Domingo, a company originally organized under a French charter, the two latter companies being owned and controlled by the San Domingo Finance Company, are seriously affected; and

Whereas it is agreed, as the basis of the present settlement, that the improvement company and its allied companies shall withdraw from the Dominican Republic, and that they shall be duly indemnified by the latter for the relinquishment of their rights, properties, and interests.

The United States of America and the Dominican Republic, through their respective representatives, W. F. Powell, chargé d'affaires, and Juan Fco. Sanchez, secretary of state for foreign relations, have agreed upon the following articles:

I.

It being hereby agreed that the Dominican Government shall pay to the Government of the United States the sum of $4,500,000 (four millions five hundred thousand dollars), in American gold, on terms to be fixed by the arbitrators, said payment to be made and accepted as full indemnity for the relinquishment by the companies above mentioned of all their rights, properties, and interests, and in full settlement of all accounts, claims, and differences between the Dominican Government and the said companies; the terms on which the indemnity thus agreed upon shall be paid shall be referred to a board of three arbitrators, one to be named by the President of the United States, one by the President of the Dominican Republic, and the third by the President of the United States and the President of the Dominican Republic jointly; but if, within sixty days after the signature of the present protocol, the third arbitrator shall not have been so named, he shall then be selected by the Dominican Government from members of the United States Supreme Court or the United States circuit court of appeals, from names presented.

In case of the death, absence, or incapacity of any arbitrator, or in the event of his ceasing or omitting to act, the vacancy shall be filled in the same manner as the original appointment, the period of sixty days to be calculated from the date of the happening of the vacancy.

II.

The arbitrators shall meet in the city of Washington, within sixty days after the date of the appointment of the third arbitrator.

The vote of the majority shall suffice for the decision of all questions submitted to the tribunal, including the final award.

III.

Within six months after the signature of this protocol, each party shall present to the other and to its agent, and also to each of the arbitrators, two printed copies of its case, accompanied with the documents and evidence on which it relies, together with the affidavits of their respective witnesses.

Within a further period of two months, either party may, in like manner, present a counter case, with additional documents and evidence and affidavits, in reply to the case, documents, and evidence of the other party.

If the other party shall, in its case or counter case, refer to any document in its exclusive possession without annexing a copy, it shall, upon the request of the other party, furnish the latter with a copy; and either party may call upon the other, through the arbitrators, to produce the originals or certified copies of any papers adduced as evidence.

IV.

Within two months after the expiration of the term allowed for the filling of counter cases, each Government may, by its agent, as well as by additional counsel, argue its cause before the arbitrators, both orally and in writing. Each side shall furnish to the other copies of any written arguments, and each party shall be at liberty to make a written reply, provided that such reply be submitted within the two months specified.

V.

The companies above mentioned shall cede and transfer to the Dominican Government, and the latter shall acquire from the companies, the properties mentioned herein, the times, terms, and conditions of the delivery of which shall be fixed by the arbitrators:

1. All the rights and interests which they may possess in the section of the Central Dominican Railway already constructed, as well as all rights and interests which they may have in the extension of the railways from Santiago to Moca, and from Moca to San Francisco de Macoris.

2. All rights and interests which they may have in the National Bank.

3. All bonds of the Republic of which they may be the holders, the amount of which shall not exceed £850,000 nominal (eight hundred and fifty thousands sterling pounds nominal), and shall be no less than £825,000 (eight hundred and twenty-five thousands sterling pounds nominal).

It is understood that all these bonds are of the class bearing four per cent annual interests, excepting as to £24,000 (twenty-four thousands sterling pounds) two and three-quarter per cent bonds, which shall be accepted at the rate of sixteen 2.¾% bonds for eleven 4% bonds. A list of the bonds shall accompany the case of the United States.

VI.

It is agreed, as the basis of award to be made by the arbitrators, that the sum specified in Article I hereof shall be paid in monthly installments, the amount and manner of collection of which shall be fixed by the tribunal. The award shall bear interest from the date of its rendition at the

The Dominican Government having, in its recent negotiations with the American companies, proposed to pay, on account of its indebtedness to them, a minimum sum of $225,000 (two hundred and twenty-five thousands dollars), per annum, which was to be increased on a sliding scale, it is agreed that the Dominican Government shall, pending the present arbitration, and beginning with the 1st of January, 1903, pay to the Government of the United States for the use of the American companies the sum of $225,000 (two hundred and twenty-five thousands dollars) per annum, in equal monthly installments, the aggregate amount so paid, at the date of the award, to be taken into account by the arbitrators.

VII.

The award of the tribunal shall be rendered within a year from the date of the signature of the present protocol. It shall be in writing, and shall be final and conclusive.

VIII.

Reasonable compensation to the arbitrators for their services and all expenses incident to the arbitration, including the cost of such clerical aid as may be necessary, shall be paid by the Governments in equal moieties.

Done in quadruplicate, in English and Spanish, at San Domingo City, this 31st day of January, 1903.

[SEAL] JNO FCO SÁNCHEZ
Ministro de Relaciones Exteriores

[SEAL] W. F. POWELL,
Chargé d'Affaires.

AGREEMENT TO THE NAMING OF ARBITRATORS.

It is hereby agreed, on the part of the Dominican Government, through Juan Francisco Sanchez, Secretary of State for Foreign Relations, and the Chargé d'Affaires of the United States of North América, in the person of W. F. Powell, each acting for his respective Government, agree that neither of the signatory parties to this protocol for international arbitration, to which has been referred certain disagreements existing between the Dominican Government on the one side, and the Santo Domingo Improvement Company on the other, shall name its arbitrator as stated in said protocol, until after a period of ninety (90) days from the date of signing the same, in order to allow the Dominican Government to come to an agreement with the Santo Domingo Improvement Company, and the date referred to in the ap-

pointment of the third arbitrator shall bear same as that expressed above.

To the above we agree, and with good faith to carry the same into effect, have here-unto affixed our names and attached thereto the Seals of our respective Offices.

Done this 31st Day of January, 1903.

[SEAL] JNO FCO SÁNCHEZ
Secretary of State for Foreign Relations of the Republic of San Domingo.
W. F. POWELL. [SEAL]
Chargé d'Affaires of the United States of North America.

And

Whereas it is publicly alleged and understood to be true that, in pursuance of said protocol and of the award by the arbitrators made in pursuance thereof, one or more custom-houses of the Dominican Republic have been taken possession of by officers of the United States and persons subject to their direction and control, by whom and by which moneys and customs duties at the ports at which said custom-houses are situated are now being collected for the payment of the amounts specified in said award, the following having appeared in the Washington Post February eleventh, nineteen hundred and five, to wit:

"Cablegrams were received yesterday at both the State and Navy Departments from Santo Domingo. The text of these was withheld from publication, but it was stated that they permitted the understanding that Lieutenant-Commander Leiper, from the *Detroit*, had established himself as collector of customs at Monte Cristi. There was no report of threatened disturbance, though an intimation was conveyed in the cablegrams that some of the Dominican leaders in opposition to Morales's administration do not view with satisfaction the action by the American naval commander in establishing himself at Monte Cristi.

* * * * * * *

"The State Department has received a mail report from Mr. Dawson, the American minister at Santo Domingo, descriptive of the negotiations that have been proceeding between himself and Commander Dillingham on the one side and President Morales on the other respecting the administration of the Dominican customs by the United States. The report does not include the last phases of the exchanges, including the signature of the protocol, which is now on its way to Washington.

"It is positively declared at the State Department that the instructions to Admiral Sigsbee were based upon the arbitration award of last summer, and that the admiral's actions are not in any manner influenced by the new protocol which awaits the approval of the United States Senate before becoming effective. The arbitration award contemplated the administration of Dominican customs at four named ports by agents of the United States, and Mr. Abbott was selected at the instance of the New York claimants under the award and installed as collector of customs at Puerto Plata. Complaint having been made that the receipts at Puerto Plata were insufficient to meet the award, it was contemplated that the collections should be extended so as to include Monte Cristi, and President Morales himself is said to have been willing that this should be done, so that if any opposition has been developed to the installation of an American naval officer as collector at Monte Cristi it is said to have certainly been among that element opposed to the government of President Morales.

"The propriety of further extending the collections to the remaining ports named in the arbitration award, Sanchez and Sanana, has been considered, but in view of the small business at those ports it is said that such action would hardly pay, though Admiral Sigsbee has discretionary authority to make further details of customs collectors there.

"The State Department has no intention of taking any step under the terms of the pending Dominican protocol unless the document is first approved by the United States Senate."

Therefore, be it

Resolved by the Senate, That the Committee on Foreign Relations be, and it is hereby, authorized and directed to make investigation and report to the Senate as follows:

First. Whether the said protocol of an agreement, if authorizing the award as aforesaid, is a valid and binding agreement or convention between the United States of America and the Dominican Republic, without having been made by and with the advice and consent of the Senate, as prescribed in article 2, section 2, of the Constitution of the United States.

Second. Whether it is competent, under the Constitution of the United States, for any agreement, convention, or protocol, not made by and with the advice and consent of the Senate, but solely through and by the Executive Department, or an officer thereof, with a foreign government, to bind the United States and such foreign government, and to constitute a constitutional agreement, by and under which the United States Government shall be authorized and empowered to take possession of the custom-houses of such foreign government and to administrate the same through its officers, employees, or agents, and to assume the responsibility for the collection of such customs duties at such custom-houses and the disbursement of the same and to become accountable therefor to such foreign government and to the creditors thereof; and, furthermore, to hold said custom-houses until the moneys awarded under said arbitration shall have been fully collected, and to hold the said custom-houses by the authority and forcible power of the United States through its officers, employees, or agents, either civil, military, or naval.

The PRESIDENT pro tempore. The resolution goes over under objection.

Mr. LODGE. I ask that it may go over.

The PRESIDENT pro tempore. It goes over under an objection already made.

Mr. BACON. I ask that the resolution introduced by me, which has gone over, shall be printed.

The PRESIDENT pro tempore. It will be printed.

Mr. LODGE subsequently said: If the resolution of the Senator from Georgia is referred to the Committee on Foreign Relations I shall have no objection to that reference being made.

Mr. BACON. That course will be agreeable to me.

The PRESIDENT pro tempore. If there is no objection the resolution will be referred to the Committee on Foreign Relations.

Mr. BACON. The order to print will stand.

The PRESIDENT pro tempore. The resolution offered this morning by the Senator from Georgia will be so referred, and the order to print will stand.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On February 7, 1905:

S. 5799. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation, within the limits of Gregory County, S. Dak., and upon certain lands which were heretofore a part of the Devils Lake Indian Reservation, in the State of North Dakota.

On February 8, 1905:

S. 5888. An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.;

S. 5937. An act to amend an act to regulate the height of buildings in the District of Columbia; and

S. 6514. An act for the relief of the Church of Our Redeemer, Washington, D. C.

On February 9, 1905:

S. 6371. An act to confirm title to lot 5, in square No. 990, in Washington, D. C.;

S. 6489. An act to amend section 9 of the act of August 2, 1882, concerning lists of passengers;

S. 6834. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota; and

S. 6312. An act authorizing the changing of the levels of certain lakes and the disposal of certain lands under the terms of the national reclamation act.

On February 11, 1905:

S. 6450. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot passenger bridge across the Missouri River at or near the city of Yankton, S. Dak."

BOUNDARY LINE BETWEEN SOUTH DAKOTA AND NEBRASKA.

Mr. NELSON. I am directed by the committee on the Judiciary, to whom was referred the bill (S. 7117) establishing that portion of the boundary line between the State of South Dakota and the State of Nebraska south of Union County, S. Dak., to report it favorably without amendment, and I submit a report thereon. I call the attention of the Senator from South Dakota [Mr. KITTREDGE] to the bill.

Mr. KITTREDGE. I ask unanimous consent for the consideration of the bill just reported.

Mr. PROCTOR. I gave notice that I should have to object to any such request.

Mr. KITTREDGE. It is a very short bill.

Mr. PROCTOR. I have already objected to similar requests and I must be consistent.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

REINTERMENT OF BODY OF JOHN PAUL JONES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

For a number of years efforts have been made to confirm the historical statement that the remains of Admiral John Paul Jones were interred in a certain piece of ground in the city of Paris then owned by the Government and used at the time as a burial place for foreign Protestants. These efforts have at last resulted in documentary proof that John Paul Jones was buried, on July 20, 1792, between 8 and 9 o'clock p. m., in the now abandoned cemetery of St. Louis, in the northeastern section of Paris. About 500 bodies were interred there, and the body of the Admiral was probably among the last hundred buried. It was incased in a leaden coffin, calculated to withstand the ravages of time.

The cemetery was about 210 feet long by 120 feet wide. Since its disuse as a burial place the soil has been filled to a level, and covered almost completely by buildings, most of them of an inferior class.

The American ambassador in Paris, being satisfied that it is practical to discover and identify the remains of John Paul Jones, has, after prolonged negotiations with the present holders of the property, and the tenants therof, secured from them options in writing, which give him the right to dig in all parts of the property during a period of three months for the purpose of making the necessary excavations and searches, upon condition of a stated compensation for the damage and annoyance caused by the work. The actual search is to be conducted by the chief engineer of the municipal department of Paris, having charge of subterranean works, at a cost which has been carefully estimated. The ambassador gives the entire cost of the work, including the options, compensation, cost of excavating, and caring for the remains, as not exceeding 180,000 francs, or $35,000, on the supposition that the body may not be found until the whole area has been searched. If earlier discovered the expense would be proportionately less.

The great interest which our people feel in the story of Paul Jones's life, the national sense of gratitude for the great service done by him

toward the achievement of independence, and the sentiment of mingled distress and regret felt because the body of one of our greatest heroes lies, forgotten and unmarked, in foreign soil, lead me to approve the ambassador's suggestion that Congress should take advantage of this unexpected opportunity to do proper honor to the memory of Paul Jones, and appropriate the sum of $35,000, or so much thereof as may be necessary, for the purposes above described, to be expended under the direction of the Secretary of State.

The report of Ambassador Porter, with the plans and photograph of the property, is annexed hereto.

In addition to the foregoing recommendation I urge that Congress emphasize the value set by our people upon the achievements of the naval commanders in our war of independence by providing for the erection of appropriate monuments to the memory of two, at least, of those who now lie in undistinguished graves, John Paul Jones and John Barry. These two men hold unique positions in the history of the birth of our Navy. Their services were of the highest moment to the young Republic in the days when it remained to be determined whether or not she should win out in her struggle for independence. It is eminently fitting that these services should now be commemorated in suitable manner.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 13, 1905.*

Mr. HALE. Let the message be referred to the Committee on Naval Affairs and printed.

The PRESIDENT pro tempore. The message of the President and the accompanying papers will be printed and referred to the Committee on Naval Affairs. The Chair thinks that it will not be necessary to print the map and illustration accompanying the message.

REPORT OF PUBLIC LANDS COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith the second partial report of the Public Lands Commission, appointed by me October 22, 1903, to report upon the condition, operation, and effect of the present land laws and to recommend such changes as are needed to effect the largest practical disposition of the public lands to actual settlers who will build homes upon them, and to secure in permanence the fullest and most effective use of the resources of the public lands. The subject is one of such magnitude and importance that I have concluded to submit this second partial report bearing upon some of the larger features which require immediate attention without waiting for the final statement of the Commission, which, from the very nature of the case, it has not been possible to complete at this time. I am in full sympathy with the general conclusions of the Commission in substance and in essence, and I commend its recommendations to your earnest and favorable consideration. The existing conditions, as set forth in this report, seem to require a radical revision of most of the laws affecting the public domain if we are to secure the best possible use of the remaining public lands by actual home makers.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 13, 1905.*

HOUSE BILLS REFERRED.

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

H. R. 1860. An act for the relief of certain enlisted men of the Twentieth Regiment of New York Volunteer Infantry;

H. R. 2848. An act for the relief of Capt. Ferdinand Hansen;

H. R. 6821. An act to remove the record of dishonorable discharge from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzger;

H. R. 8413. An act for the relief of John Gretzer, jr.;

H. R. 15763. An act granting an honorable discharge to Frederick H. Stafford; and

H. R. 17175. An act for the relief of Capt. Frank D. Ely.

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

H. R. 12679. An act for the relief of M. L. Skidmore;

H. R. 12881. An act for the relief of Ellen A. Dunn;

H. R. 14522. An act directing the issue of a check in lieu of a lost check drawn by Col. John V. Furey, assistant quartermaster-general, United States Army, in favor of John Wanamaker;

H. R. 16584. An act for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa.; and

H. R. 18527. An act for the relief of Lieut. D. W. Blamer, United States Navy.

H. R. 15609. An act providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 17564. An act granting an increase of pension to Martha L. H. Spurgin was read twice by its title, and referred to the Committee on Pensions.

H. R. 18040. An act to authorize Gila County, Ariz., to issue $40,000 in bonds to build a court-house, etc., was read twice by its title, and referred to the Committee on Territories.

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

H. R. 17579. An act to create a new division of the western judicial district of Louisiana, and to provide for terms of court at Lake Charles, La., and for other purposes; and

H. R. 18676. An act to amend the seventh section of an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and amended June 6, 1900.

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

H. R. 17869. An act relating to the Monroe and Lake Providence Railroad Company;

H. R. 18196. An act to amend section 4405 of the Revised Statutes of the United States;

H. R. 18197. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels;

H. R. 18198. An act to amend sections 4417, 4453, 4488, and 4496 of the Revised Statutes, relating to the Steamboat-Inspection Service, and section 5344 of the Revised Statutes, relating to misconduct by officers or owners of vessels;

H. R. 18201. An act to amend sections 4418, 4480, and 4483 of the Revised Statutes, and to repeal sections 4435, 4436, and 4459 of the Revised Statutes, all relating to the Steamboat-Inspection Service;

H. R. 18202. An act to amend sections 4415, 4416, 4423, 4426, 4449, 4452, 4470, 4472, 4498, and 4233 of the Revised Statutes of the United States, relating to steamboat inspection;

H. R. 18358. An act to authorize the Borderland Coal Company, of Nolan, W. Va., to bridge the Tug Fork of the Big Sandy River at a point about 2 miles east of Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky; and

H. R. 18513. An act to extend the time for the commencement and completion of a bridge across the Missouri River at or near Pierre, S. Dak.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask unanimous consent that the Senate now proceed to the consideration of House bill 18329, being the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906.

The PRESIDENT pro tempore. The pending question is on the amendment submitted by the Senator from Nevada [Mr. STEWART] to strike out certain words beginning on line 16, page 40.

Mr. PROCTOR. Before the vote is taken on that I wish to say that there is an amendment suggested by the Senator from Nevada to which the committee has no objection, on page 41, line 18, after the word "advisable," to insert "and report the result in the bulletins of the Department."

Mr. STEWART. I am glad that the Senator has conceded thus much to publicity. The necessity for that much publicity and much more is to my mind very apparent.

Mr. President, as I shall not again participate——

The PRESIDENT pro tempore. One moment, please. The Senator from Vermont [Mr. PROCTOR] has referred to a proposed amendment of the Senator from Nevada [Mr. STEWART].

Mr. PROCTOR. There is no objection to that amendment.

The PRESIDENT pro tempore. As the Chair stated, the Senator from Nevada [Mr. STEWART] had an amendment pending on which the yeas and nays were ordered on Thursday last.

Mr. STEWART. Let the amendment be stated, and I will make my remarks on that.

The PRESIDENT pro tempore. The other amendment of the Senator from Nevada [Mr. STEWART] referred to by the Senator from Vermont will be stated, if there be no objection.

The SECRETARY. On page 41, line 18, after the word "advisable," it is proposed to insert "and report the result in the bulletins of the Department."

The amendment was agreed to.

Mr. STEWART. Now, Mr. President, I ask that the amendment I have pending may be read.

The SECRETARY. On page 40, after the word "countries," in line 16, it is proposed to strike out:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice.

Mr. STEWART. Mr. President, I do not wish to occupy the time of the Senate at any length so near the close of the session,

and I shall be as brief as possible. I should not occupy the time of the Senate even briefly were it not that I fear the subject of the purity of food is not fully appreciated. The adulteration of food is certainly sapping the health of the people of the United States. If we were undertaking to get soldiers now, as we were in 1861, from all sections of the country we would find great difficulty in securing sound young men. The officers of the Army in selecting soldiers in the war with Spain found that difficulty. The trouble is that nearly all our food is adulterated. What we want to attack is the poison trust. Here is an example found in the Washington Post of Saturday last of what that trust is doing:

PACKERS CORNER EGGS—45,000,000 OF THEM IN COLD STORAGE IN CHICAGO.

CHICAGO, *February 10.*

The Daily News says:

"It is estimated that there are 45,000,000 eggs in cold storage in Chicago. Notwithstanding this a famine in the product exists and householders are paying 38 cents a dozen. The big meat packers are said to have a corner on the market. Last spring when eggs were *cheap the meat* packers and a few heavy dealers secured hundreds of thousands of cases of eggs, which were at once put away for a time, when, owing to natural conditions, the market supply of fresh would be unequal to the demand. The eggs were bought at a price ranging from 15 to 17 cents a dozen."

That is one of the specimens of what is being done. I am told on good authority that in August and September of each year millions of chickens and turkeys are killed. Many of them are taken to Chicago and put in cold storage, and those we get now were probably killed last August or September.

Then, again, as to fish. The fish that are now eaten were caught in pleasant weather and then frozen and kept for use. Some of them are kept for years. The meat that we eat is killed at one or two places, and whether it is embalmed or not it is decayed to such an extent that it is injurious to health.

The adulteration of food has become a national evil of vast magnitude. There have been many futile efforts here to pass pure-food bills. Senators here have in vain recited for days the facts in reference to the adulteration of foods. As they have shown, almost everything we eat is adulterated.

I have thought that if we followed the simple plan which was suggested by Doctor Wiley, to analyze and publish the analyses of the materials of which certain favorite beverages are composed, the results would astonish the people. For instance, take Scotch whisky. The aroma that we have in Scotch whisky is from kerosene. Poisons in almost every form are administered to the people. You have got all these investigations; and then the amendment under consideration provides for having a consultation not only with these chemists, but with other experts in order to fix a standard. What in the world will you do with the standards when you get them fixed? They can not be used, except to advertise what somebody has manufactured.

Mr. SPOONER. The Senator is a little wrong about that, I think.

Mr. STEWART. I do not catch what the Senator says.

Mr. SPOONER. The Senator has forgotten the language of the bill.

Mr. STEWART. No; I have not.

Mr. SPOONER. This is the provision:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice.

Mr. STEWART. That is the language of the bill.

Mr. SPOONER. Were not the latter words stricken out?

Mr. PROCTOR. No; but there was a proposition made by the Senator from North Dakota [Mr. McCUMBER] to strike out those words.

Mr. SPOONER. But they have not yet been stricken out?

Mr. STEWART. No. The words "for the guidance of the officials of the various States and of the courts of justice" are still in the bill.

How would the officials know whether the articles as to which the standards had been fixed contained formaldehyde or any other poison? How can the officials test them? What we want to have is an analysis by the Department and have published to the world what the articles contain.

What good would it do to fix the standards? The standards may be a good advertisement for somebody to sell poison; but why have this provision for an official standard? Why call in men to consult with Doctor Wiley about these things? This matter should be relegated to the Chemical Bureau of the Department of Agriculture. They should have a free hand to analyze and publish to the world the results of their analysis, and they will do it. Then it would be in good hands. Nobody would object to that, so as to prevent people being poisoned. We want to encourage that. The amendment of the Senator from Vermont is all right as far as it goes. It says "when it is deemed advisable by the Secretary." I think the present Secretary would deem it advisable to have this exposé, but I tell you there is a tremendous pressure brought to bear on the Secretary to prevent such publications. I remember years ago when the Department published an analysis of beer and the trouble the Secretary brought upon himself. I went down there and talked with him about it, but nothing could be done because the opposition was too great. I believe that if you have thorough work in the Department and publish the evil results you could then easily pass pure-food bills or anything else to stop these evils; but you can not get pure-food bills through Congress because Senators and Representatives can not agree upon them. No good can be accomplished until the facts have been published and the people thoroughly understand the entire question. But let the Department publish the facts, and the country will then see to it that the sale of these poisons is stopped.

This is the dumping ground for unwholesome food. Last year we had a resolution passed through here for the purpose of securing examinations of meat, but there is no examination at all.

Just see what the people have to eat here in some of the hotels. The hotels are not to blame for it, for they can not buy any other meat. Meat is sold here that was killed, say, five years ago and brought here frozen. Perhaps it had formaldehyde put in it immediately after it was killed, but it is brought here and washed with a little boracic acid to make it look bright. This meat is hung up and exposed to the air before it gets to the table, but by the time the people eat it it has accumulated ptomaine poison, and every person who uses it is more or less affected. That practice prevails very generally. Even Senators in this Chamber have been affected by it. You go down to a hotel in the morning and you find men, after having made a hearty meal of this kind of meat, saying they do not feel very well, that they have heart disease, colic, or something of that kind. It was meat of this character which killed many of our soldiers down in Cuba, but still the people continue to eat it.

I say there ought to be publicity about this matter. The people should be furnished with information by which they can protect themselves against what is being done in this way. There are plenty of Senators here who show the effects of that kind of bad food. They complain of not feeling all right. They would be much healthier and look brighter than they do now if they ate better food. It is a matter that is rapidly coming home to you, Senators, and coming home to the people of the entire country.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nevada [Mr. STEWART], on which the yeas and nays have been ordered.

Mr. COCKRELL. Let the amendment be again stated.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 40, line 16, after the word "countries," it is proposed to strike out:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice.

Mr. GALLINGER. Mr. President, I wish to inquire whether or not the latter part of that clause has not already been stricken out—"for the guidance of the officials," etc.?

The PRESIDENT pro tempore. It does not appear to have been.

Mr. GALLINGER. I remember that an amendment was offered to that effect, and I thought it had been adopted.

The PRESIDENT pro tempore. It does not so appear on the record.

Mr. McCUMBER. I made a suggestion along that line, but I did not make a motion for that purpose.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. PROCTOR. Mr. President, if in order, I would move to amend the amendment by striking out the words, in lines 21 and 22, "for the guidance of the officials of the various States and of the courts of justice." Is it not in order to move that these words be stricken out?

The PRESIDENT pro tempore. It is entirely in order.

Mr. BATE. I should like to have the part proposed to be striken out read. We do not over here know what is pending.

Mr. PROCTOR. I make the motion to strike out the words which I have read, and which I think are the only objectionable ones.

Mr. BATE. Will the Secretary repeat those words?

The PRESIDENT pro tempore. Will not the effect of the amendment of the Senator from Vermont be that the words will still remain in the bill?

Mr. PROCTOR. I do not understand.

The PRESIDENT pro tempore. Would not the effect of that amendment be that the words would remain in the bill?

Mr. PROCTOR. I moved that from the committee in order to perfect the bill.

Mr. SPOONER. I should like to ask the Senator from Vermont what is the object of the provision with those words stricken out? I suppose the authority to be established must be for the benefit of somebody, and there would be no provision for publication.

Mr. PROCTOR. The reports are published for the benefit of the general public for what they are worth.

Mr. SPOONER. Is not this a new provision?

Mr. PROCTOR. No; it is not a new provision. This same provision has been in previous laws. I do not think the provision which I have moved to strike out has done any harm or is particularly objectionable, but some opposition has been made to it, and there is no objection to striking out the words I have indicated.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Vermont [Mr. PROCTOR] to strike out the words indicated by him.

The amendment was agreed to.

The PRESIDENT pro tempore. The question recurs on the amendment submitted by the Senator from Nevada [Mr. STEWART], on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. BATE. I want to know what was stricken out. We could not understand it over here.

The PRESIDENT pro tempore. The amendment which has just been agreed to will be again stated.

The SECRETARY. On page 40, line 21, after the word "therein," strike out "for the guidance of the officials of the various States and of the courts of justice."

Mr. BATE. That is all I want.

The Secretary proceeded to call the roll.

Mr. KEAN. Mr. President, may the amendment be again stated?

The PRESIDENT pro tempore. It is too late. The roll call has commenced.

Mr. BAILEY (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. ELKINS]. He does not appear to be in his seat, and I therefore withhold my vote.

Mr. BERRY (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON].

Mr. DEPEW (when his name was called). I have a pair with the Senator from Louisiana [Mr. MCENERY]. He is not present, and I therefore withhold my vote.

Mr. GAMBLE (when his name was called). I am paired with the junior Senator from Nevada [Mr. NEWLANDS]. I do not see him present, and therefore withhold my vote. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. FAIRBANKS]. I inquire whether he has voted.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Indiana has not voted.

Mr. MORGAN. Then I withhold my vote.

The roll call was concluded.

Mr. BALL. My colleague [Mr. ALLEE] is unavoidably detained from the Senate.

Mr. SIMMONS (after having voted in the negative). I inquire of the Chair whether the Senator from Minnesota [Mr. CLAPP], with whom I am paired, has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SIMMONS. I have a general pair with that Senator, and will therefore withdraw my vote.

The result was announced—yeas 7, nays 41, as follows:

YEAS—7.

Bate	Fulton	Kearns	Teller
Dubois	Heyburn	Stewart	

NAYS—41.

Alger	Daniel	Lodge	Pettus
Allison	Dryden	Long	Platt, N. Y.
Bacon	Foraker	McComas	Proctor
Ball	Frye	McCreary	Scott
Bard	Gallinger	McCumber	Spooner
Blackburn	Gibson	Mallory	Stone
Burrows	Hale	Millard	Taliaferro
Carmack	Hansbrough	Nelson	Wetmore
Clay	Kean	Overman	
Cockrell	Kittredge	Patterson	
Crane	Latimer	Perkins	

NOT VOTING—42.

Aldrich	Clarke, Ark.	Foster, Wash.	Morgan
Allee	Culberson	Gamble	Newlands
Ankeny	Cullom	Gorman	Penrose
Bailey	Depew	Hawley	Platt, Conn.
Berry	Dick	Hopkins	Quarles
Beveridge	Dietrich	Knox	Simmons
Burnham	Dillingham	McEnery	Smoot
Burton	Dolliver	McLaurin	Tillman
Clapp	Elkins	Martin	Warren
Clark, Mont.	Fairbanks	Mitchell	
Clark, Wyo.	Foster, La.	Money	

So Mr. STEWART's amendment was rejected.

Mr. LODGE. Mr. President, I do not desire to discuss further the question of the Congressional distribution of seed, but as I said in the Committee of the Whole, when the subject was previously debated, I desire to offer an amendment and ask for a vote upon it. I move to substitute for the clause on page 29, line 14, running to line 21 on page 32, the clause which I send to the desk. The effect of my amendment is to retain the distribution of seed by the Department of Agriculture and to abolish Congressional distribution.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. It is moved to substitute for the clause beginning on page 29, line 14, down to line 21 on page 32, the following:

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent and repairs; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, printing, postal cards, gas, and electric current, traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $300,000: *Provided*, That $27,780 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

Mr. LODGE. On that I ask for the yeas and nays.

Mr. COCKRELL. Let the amendment be again stated.

The PRESIDING OFFICER (Mr. KEAN in the chair). The amendment proposed by the Senator from Massachusetts will be again stated.

Mr. LODGE. My amendment is simply a substitute for the existing provision, only it confines the distribution of seed to the Agricultural Department and abolishes the Congressional distribution.

Mr. COCKRELL. On what page is the amendment?

The PRESIDING OFFICER. The amendment will be again stated by the Secretary.

The SECRETARY. On page 29, line 13, it is proposed to strike out the clause of the bill down to and including line 21, page 32, and to insert in lieu thereof the amendment just read.

Mr. LATIMER. Mr. President, I move to amend the amendment by inserting "three" instead of "one."

The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina [Mr. LATIMER] will be stated.

The SECRETARY. Before the word "hundred" it is proposed to strike out "one" and insert "three;" so as to read, "three hundred thousand dollars."

Mr. LODGE. That increases the appropriation for Congressional distribution $100,000?

The PRESIDING OFFICER. That is the effect of it.

Mr. LATIMER. Mr. President, this matter of the distribution of seed has been coming up in Congress for the last twelve years and has been discussed in both branches. The other House, when this bill was before that body, only lacked three or four votes for increasing this sum to $300,000 instead of $200,000. I realize that members of the Senate have but little interest in the distribution of seeds. Their quota is only about 12,000 packages, which do not go over the State, and which creates dissatisfaction in certain communities to which but a few packages of seed are sent out, there not being enough to go around to all their constituents. But the Members of the House have about 12,000 packages each, and these, with the Senators' quota, pretty well supply the demand, and those are valuable seed.

It was stated by a distinguished member of this body a few years ago that we would never be able to increase the production of cotton in the Southern States beyond 12,000,000 or 13,000,000 bales. Mr. President, one of the best farmers in one of the counties of South Carolina has increased the production of cotton on his farm from one to two bales an acre, and this has been done largely by the use of improved seeds. In every section of the South we want to increase our crop of cotton.

The labor is the same in producing 500 pounds of seed cotton per acre as it is in producing 2,000 pounds per acre of seed cotton. The difference in the production is in the value largely of the seed planted.

We have many improved varieties of seeds, and yet the variety produced by this particular farmer, who has taken special pains with his seed, is an improvement upon them. Through this distribution by Congressional aid the Secretary of Agriculture can purchase those seeds from that farmer and they will go into every section of the South in one season, a few packages of the improved variety going to farmers in different sections, and they are rare and valuable.

The amendment of the Senator from Massachusetts proposes to cut down the appropriation from two hundred to one hundred thousand dollars. I maintain that that sum will not be sufficient to continue the distribution of improved varieties of seed that are being grown in the different States of the Union, and no appropriation made by Congress, in my judgment, as I said a few days ago, brings greater remuneration to the American people than that for improved seed. The Senator from Massachusetts undertakes to reduce this appropriation simply because there is very little interest probably in the State of Massachusetts on this proposition, but there are vast agricultural areas where the masses are interested, where the farmers are poor, where they have not the information as to where these improved varieties of seeds can be obtained. The Secretary of Agriculture, through the information that comes into the Department, has an opportunity to get these improved varieties of seed, and through this distribution he can send them to every section of the Union.

I hope that if the Senate interferes at all with this appropriation, instead of decreasing it $100,000 it will increase it to $300,000.

Mr. LODGE. Mr. President, against the amendment proposed by the Senator from South Carolina [Mr. LATIMER] I make the point of order that it is out of order under section 2 of Rule XVI. I make the point of order that the amendemnt proposes to increase an appropriation and has not been referred to a committee.

The PRESIDING OFFICER. The Chair sustains the point of order. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. PROCTOR. Mr. President, I do not think the sending out of ordinary commercial seeds is a legitimate and proper use of the public money, but, as I stated the other day, the proportion of ordinary seeds sent out is diminishing every year. The Department is working very hard to use the entire appropriation for valuable seeds, varieties that may be common in one section, but are not in another. I think it is an evil that will cure itself. It has the sanction of long custom, and although I agree with the Senator from Massachusetts that it was unfortunate that it was ever started, I believe to try to stop it now will have the very effect of intensifying it and leading, as it did once before, when we agitated it, to an increase of the appropriation. I think it is very much better to endure the present evil "than fly to others that we know not of." I hope the amendment will not prevail, and I should be very glad indeed if the Senator from Massachusetts could see his way clear to withdraw it.

Mr. LODGE. I will not withdraw the amendment, but I withdraw the call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws the demand for the yeas and nays. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was rejected.

Mr. BACON. I wish to offer two amendments. The first amendment is on page 54, line 17, and then there is another subsequent amendment on page 55, line 2. They are of the same nature—that is, one is pursuant to the other.

The PRESIDING OFFICER. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. On page 54, at the end of line 17, after the word "month," insert the words:

And in the case of the cotton crop reports issued on the 3d, 10th, 17th, and 25th days of each month, beginning with the month of May and extending to the month of February next succeeding.

Mr. HANSBROUGH. I wish the Senator from Georgia would state the effect of the amendment.

Mr. BACON. I will.

Mr. President, there is no matter in which the agricultural interest of my section of the country is so deeply interested as this particular matter. It is not offered as a matter of form, but in the sincere hope that it may be incorporated in the bill and subsequently be a part of the law. It looks to an extension of the service which is now given to the country under the appropriation heretofore made and under the provisions of law heretofore enacted by which the Secretary of Agriculture endeavors to inform the people of the United States, or all of those who are interested in the cotton crop, of the condition of the cotton crop at the time of the report, both as to all matters which will contribute to the production and as to the extent of the production later along in the season.

This is a matter which does not simply concern the cotton planter. It concerns all those who are interested either in the production of cotton or in the utilizing of cotton in manufacture or in commerce thereafter. I can not better bring to the appreciation of the Senate the importance of this matter than to state, not with any attempted accuracy, but generally, the great evil and, I may say, disaster which resulted during the past year from the present imperfect manner in which that service is performed, not by reason of any inefficient effort on the part of the Secretary, but because of the fact that the law as it now stands does not enable him to make such a report as will prevent the evil and the disaster.

Under the law as it now stands the Secretary of Agriculture is required to make a monthly report of the condition of the cotton crop. In the early part of the season he begins with a report as to the acreage, by which those who are interested in the question of production, or who will during the year become interested in the question, are enabled with some degree of approximate accuracy to forecast the probable size of the crop.

Then, as the season advances, reports are made as to rainfall and other conditions, from which also these deductions can be drawn; and then later on in the season, when the plant approaches maturity, other estimates of the probable production are made, and later still other estimates. Each month the Department issues a bulletin in which there is an estimate of the probable size of the crop.

Now, these estimates being a month apart, the result necessarily is this: If conditions change materially during the month, there will be very great variance in the estimates. The whole country waits for the estimate of the Agricultural Department. The exchanges wait for it. The manufacturers wait for it. The exporters wait for it. The cotton planters wait for it. When the report comes, if it is of an unexpected nature, the fluctuation in the price of cotton is so great as to be absolutely disastrous to those who are engaged in its production or in the use of the raw material.

I call the attention of the Senate to this as a fact: During the present cotton season the Department of Agriculture, at the beginning of the month, or on the third of the month, I believe, which is the date fixed for these reports, published an estimate as to the size of the crop.

At that time the estimate was such as to make the price a very large one and to encourage those who had cotton which had been produced by them to think it was going to be still greater; and yet at the beginning of the succeeding month, during which interval there was no report from the Department and no intimation to those who were thus interested that there had been such changed conditions as would result in a greatly variant report, another estimate was made, which made, as I am informed, a difference of about $40,000,000 in the value of the cotton then on hand unsold and in the hands of the planters.

The Senate, of course, will appreciate the fact that if the report of the Secretary of Agriculture was correct, that change in price was a legitimate change in price, because there was that change in the question of supply and demand which would have made that variance in price. But the point is this: If there had been successive reports at shorter intervals that loss would not have fallen altogether upon those who were engaged in the production of cotton, as it practically did. There would have been the same depreciation in the price and in the total value of the cotton, but, advised as they would have been of the estimates, from which lower prices would result, the losses would not have fallen exclusively upon the cotton planter, but would have been distributed between the cotton planter and the cotton consumer.

Mr. CARMACK. I should like to ask the Senator what particular advantage there is to the planter in having these intermediate reports during the early stages of the crop? What particular advantage to the farmer is there in having any report at all during that time, especially during the early part of the season?

Mr. BACON. The planter is not so much interested in the early part of the season, of course, as he is in the latter part, but there are others who are interested in this matter besides the planter. All of our American factories, which take one-third of our entire cotton crop, are interested. There are over

4,000,000 bales of cotton manufactured in the United States. Two-thirds of the crop goes abroad. One-third is manufactured in the United States. And every man who is engaged in the manufacture of cotton, every man who is engaged in commercial business in connection with cotton is interested from the day the first furrow is run to the day, nearly a year later, when the last bale is ginned in any information which can give him some idea as to what will be the probable size of the crop.

As the season progresses and the plant matures, when it begins to be put upon the market, it is of the utmost importance to the planter that he shall have not monthly but more frequent reports, in order that he may be saved from the losses which come from these violent and excessive fluctuations when the estimates are separated in their publication by thirty days' interval.

Mr. CARMACK. I can understand that; but it has seemed to me that when you get the amount of the acreage anything else you may find out about the cotton crop in the early part of the season is little better than mere guesswork, and that is true until the plant begins to mature.

Mr. BACON. I intend speaking about conditions when it begins to mature. The latter part of the season is what more particularly concerns the planter, and I am coming to that subdivision later. I intended to suggest to the distinguished Senator in charge of the bill that if the expense as to the more numerous reports is greater than the Government can bear, it might not be extended over the whole period, but might be limited to a shorter period.

Mr. CARMACK. That is the very point I wanted to suggest.

Mr. BACON. The Senator did not permit me to progress far enough to make that suggestion. The Senator will remember that at the time he interrupted me, the last sentence I had uttered was one in which I endeavored to show how it was that the planter lost so great an amount of money by reason of the fact that these reports are not sufficiently frequent; and I mentioned this fact: I think it was in the month of November or December—and I have forgotten which—the beginning of the month, the estimates of the Department from the information which it obtained was that the production was so limited that the price would be very high; and it was high.

Thirty days ran along with the planters absolutely in ignorance of the fact that the Department was receiving information, which, when published, would make such a change in the amount of probable production that the remainder still in their hands was worth $40,000,000 less than it was at the beginning of the month. If, on the contrary, the information in the possession of the Department had been given at shorter intervals the planters would not have been misled and by selling their cotton they would have saved at least a part of this great loss.

Now the point is this—the question of expense is another matter, and I hope Senators will distinguish between the two. The point is whether or not the presentation which I make is a correct one; whether there is a great evil, and whether it results in subjecting the planters to great loss. Then the next question is whether we can afford to correct this evil and protect the cotton planters from this loss.

Are the interests involved sufficiently great to justify the change in the law and the expense necessary for its correction? I hope Senators will not have any doubt in their minds as to the present difficulty, a difficulty arising out of monthly reports, which have such an interval between them that in that interim there is such a fluctuation in the probable amount of production as to be absolutely disastrous to those who are engaged in the production, because they have been kept in ignorance all the time of those things in the knowledge of the Department which are going to result in this tremendous reduction in price.

Mr. President, I said there was no question in which the agricultural interests of the South are so much interested as in this particular question involved in this particular amendment which I have offered. There is not a thing you can possibly put in the agricultural bill which will mean so much in dollars and cents to the cotton producer as this, and there is nothing you can put in that bill which, in the opinion of the cotton producers, can mean so much as this amendment.

Now, as evidence of that, I will call attention to the fact that within the past month there assembled in the city of New Orleans a representative convention, composed of delegates from the entire cotton-producing country, men informed, men of advanced ideas, men of large interests, a convention which resulted from the tremendous loss to the cotton producers, because the law last year was what you propose it shall remain this year.

The law last year provided for only monthly reports, and there was in consequence this tremendous disaster to the cotton producers. This tremendous loss which befell them in one month caused them to come together in convention in New Orleans from all over the cotton States, and to ask that they should have more frequent reports from the Agricultural Department.

They, it is true, did not go as far as this amendment proposes. They asked for semimonthly reports. They would have preferred, of course, weekly reports. They would like to know every day if they could, and if it is, in the opinion of the Senate, too expensive to give weekly reports I can not imagine how it can be that the Congress of the United States can turn a deaf ear to so great a necessity as this and refuse to give semimonthly reports.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. With pleasure.

Mr. HALE. I wish the Senator from Texas [Mr. BAILEY] were here, because in the Committee on the Census some time within the last two weeks, at his instance and on his presentation of the interests of the cotton grower, very much after the good fashion in which the Senator from Georgia [Mr. BACON] is representing that interest, an amendment was made to a bill before that committee providing for semimonthly reports, as I remember.

Mr. BACON. The difference is that those relate to the ginners. It is a different thing altogether.

Mr. HALE. I wanted to call the Senator's attention to the reasons given for it.

Mr. BACON. It is in a different Department. That is in the Census.

Mr. HALE. That is the very point to which I am calling the attention of the Senate. Certainly the subject-matter, while it is in another Department, is the same—reports from time to time of the condition and extent of the cotton crop. Is it the intention of the Senator and of Senators who are representing and who are very much interested in this product that there shall be duplicate reports with respect to this same industry? Is the Census Bureau to have an army of employees who shall report semimonthly upon the condition of the cotton crop and the Secretary of Agriculture to have another army of employees devoted to the same subject and to make reports? I should like to know what is the Senator's idea about it.

My attention was called to it because I am a member of the Committee on the Census. When the Senator from Texas brought forward his project, we agreed with him. I agree with the Senator from Georgia as to the importance of this matter. I repeat, at the risk of wearisome reiteration, does the Senator think there should be two Departments invested with this same authority, each having its army of employees reporting upon the same subject-matter; and if that is done, what will be the result if they differ? It is a very interesting subject.

Mr. BACON. I am ready to answer the question whenever the Senator from Maine will permit me.

Mr. HALE. The Senator is very quick in his apprehension. He sees what I have in my mind.

Mr. BACON. I hope so.

Mr. HALE. And now I will be very glad to hear the Senator's statement in regard to it.

Mr. BACON. Whenever the Senator concludes.

Mr. HALE. I am obliged to the Senator from Georgia for yielding.

Mr. BACON. The amendment I have offered does not propose in any manner to change the present system, which will continue to exist if the amendment is not adopted. It simply proposes to change some of the details of the system which will exist whether the amendment is adopted or not. In other words, the census reports are no new thing. They existed last year, and it has simply been a change of detail as to the census reports. By the change the census reports will be more frequent. In the same way the contemporaneous reports of the Secretary of Agriculture existed last year, and it is proposed that they shall continue to exist whether the amendment which I have offered is adopted or not.

So the inquiry of the distinguished and honorable Senator from Maine does not go to the point upon which I am endeavoring to have the attention of the Senate.

I am not seeking to add to the system by incorporating the dual system, which the Senator from Maine indirectly criticises. That is a system which now exists. It existed last year. The two services thus contemporaneously existing are altogether on different lines. The Census Department is limited to the single thing of getting statistics from the ginneries. The scope of the work of the Agricultural Department is a great deal wider, and goes to all matters which will affect the question of the production of cotton. That has heretofore been recognized

as a proper dual system. It has heretofore been recognized that it is proper to have on the part of the census the statistical information as to the number of bales ginned, and the much wider information as to all conditions of the crop which is to be gathered from and through the Department of Agriculture.

Mr. President, I come back to the proposition upon which I was addressing the Senate at the time of the interruption of the Senator from Maine, and that is, first, the question whether there is an evil here of this magnitude which can be corrected by the proposed amendment, and, second, whether, if there is such an evil, it is of such importance as to justify and require its correction on the part of Congress.

Now, Mr. President, I have said that this is a matter which does not simply concern the cotton planter. It concerns very largely the entire business interests of this country. The cotton crop is the most important agricultural product made in the United States, viewed from its relation to the general commerce of the country. It is the largest of all single exports, either agricultural or mineral or manufacturing.

The largest of all single exports is the cotton crop. Taking the exports of 1903-4 as a basis, it brings more gold into this country—and when I speak of bringing in gold I mean the gold actually brought in and the gold that is kept from going out, because if the cotton did not go in its place the gold would have to go—it brings more gold into this country than any other two single products. Nay, sir, this greatly understates the case. It brings more gold into this country than any other four products. It has done more in the last forty years to maintain the financial system of this country on a firm basis and to keep the balance of trade in favor of the United States than any other two products or any other four products added together.

Next to raw cotton the next largest articles of export from the United States are wheat, including wheat flour, and iron and steel manufactues, and yet the value of cotton exported is nearly twice as much in value as both of them added together. The value of cotton is equal to about one half of all the agricultural exports of every kind from the United States including all animals and animal products, and it is about equal to the value of the exports of all manufactured articles of every kind and description. Take the entire value of the exports of wheat and wheat flour, of corn, including corn meal, of oats, of rye, of barley, of hogs, including hams, lard, and all other hog products, of cattle, including dressed beef and all other cattle products, take all these export values and add them together, and the export cotton exceeds them all in value by many millions.

Mr. President, in my own State the cotton crop last year sold for more than all the gold that was dug in all the mines of the United States, including its Territories and outlying possessions, and the part of the crop that went from my single State to foreign parts, which was two-thirds of it, amounted to within a very small fraction as much in dollars as all the gold dug in all the United States in the year. The cotton crop as a whole each year amounts in gold dollars to more than twice as much, or about twice as much, as all the gold dug in all the mines of all the world in a year, and the part of the cotton crop that goes abroad and that brings gold into the United States amounts to more in gold dollars than all the gold that is dug in all the mines of all the world in a year.

And yet it is a fact, Mr. President, that those who confer this great benefit upon this country in producing an article that holds in its steadfast grip the gold of the world and refuses to let it leave the country, have less of the benefits and the encouragements from governmental agency than those of any other great industry in this country. It is an impossibility that they can have any benefit under any tariff legislation, because their product is an export and not an import, and yet it is a fact that there is scarcely an article used in the production of cotton but what is itself made very much higher in its cost to them by reason of the tariff legislation of this country, which enriches others at their expense. Upon every article used by them—plows, harness, chains, wagons, tools, and equipment of every kind—they are compelled to pay nearly two prices on account of the tariff, and yet the tariff law denies to them the poor boon of even free cotton bagging and free cotton ties.

Cotton is the most difficult of all crops to raise. It takes a longer time to raise it. It takes twelve months in the year to make a cotton crop; some people say thirteen. My distinguished friend from Mississippi [Mr. MONEY], who represents a great cotton State—next in production to Georgia—says thirteen, and it is a common saying in the South that it takes thirteen months in the year to make a cotton crop.

In other words, from the time the first furrows are begun to be run until the last boll of cotton is picked, is frequently thirteen months, and during that entire interval there is little or no time to rest. It is an unceasing attention, a constant labor, and when by reason of such failure of the Government to give the reports in a degree of proper frequency, as was the case last year, there is such a fluctuation in the price that the profit on it is nothing, and cotton is to-day selling at less than the cost of production in a great many sections of the country.

Mr. President, this great interest is not limited to them. All the great cotton manufacturers of the country, in order that they may fix their prices for the manufactured goods, are interested in the question, What shall be the volume of the cotton crop? They are all of them interested in order that they may know whether there is such a prospective profit in the business as will enable them to expand their business. They are all of them interested in it to know what wages they can pay to their laborers. Every cotton-goods jobber is interested, every exporter of goods is interested, and every importer of goods is interested. There is no single industry in this country which affects so widely the general business of the country—North as well as South—and in which there are such a vast number and variety of people interested as those who are interested in the question as to what will be the volume of the cotton crop.

Now, Mr. President, what does the Secretary of Agriculture say in response to this amendment? He recognizes the fact that it is a proper thing for the Agriculture Department to make these reports. It is a system which has been inaugurated for some time past, and the complaint is not against the system, but upon the fact that it has not been sufficiently expanded. Before that system was inaugurated there were other estimates made by private individuals and by representatives of commercial bodies and organizations. They were made largely upon very imperfect information, upon limited information, and there was great evil resulting from it. Some were interested parties, and of course their estimates were biased. It was thought that when the Government undertook to furnish the information the cotton producers would be relieved from the great evil which resulted from the estimates being in the hands of private parties. There has been benefit from it, but there is as it now stands an immense evil, one involving not a little amount of money, but vast sums of money, as I have stated, in one month losing to the cotton planters on the part of the crop still held by them about $40,000,000.

Now, with this vast product, more than $600,000,000 in value, all of it a gold crop—two-thirds of it used as an actual gold crop in bringing gold into the country—is the question of a few hundred thousand dollars to stand in the way?

The representative of the Secretary of Agriculture, in a letter which the Senator from Vermont now holds in his hand, estimates, if I recollect aright, that to make the reports as required in this amendment would involve an additional expenditure of some four hundred and odd thousand dollars. Now, Mr. President, I say if it does involve that amount, this industry affects not only the cotton planter, but it affects all engaged in any way in the commercial operations of cotton. The banks of the country, the manufacturers of the country, the jobbers of the country, and the retail merchants as well, those engaged as employees in the manufacture of cotton, and many others in the various ramifications, direct and indirect, of this business, are interested in it.

What we desire is that the Secretary shall continue in the work, but that he shall be put in a position to make it a safe work; that it shall be such that if there are changed conditions they shall be made known promptly to the country; that the reports which come in to him in his office for the 3d of the month shall not be kept secret and locked up until the 3d of the next month, and that endless disaster shall not be brought upon the country by its all being suddenly and unexpectedly precipitated at one time as information to the country.

There is one other feature of the amendment which I have offered which I think is an important addition to the system as it now exists—that is, that the Secretary shall not only publish his estimate, but that he shall publish a synopsis of the information upon which he makes his estimate.

There was a great outcry, whether just or unjust, of course, I am not prepared to say, that the Secretary had made an improper estimate; in other words, that he had not correctly examined and formed his conclusions upon information which he had. The second amendment which I have offered in this connection looks to the giving of that information to the public, in order that they may not only have the estimate of the Secretary, but that they may have the information by which they may be able to form some judgment for themselves whether or not his estimate is correct. I see, Mr. President, by reason of the approach of the time for the Senate to meet as a court of impeachment, it will be impossible to conclude this subject this morning unless the Senator is prepared to accept the amendment, which I hope he is.

Mr. PROCTOR. As it is very evident that the bill can not be concluded before the meeting of the court, I wish to give notice that immediately on the adjournment of the court I shall ask that the agricultural bill be taken up again.

GOLD AND SILVER IN THE ARTS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15578) to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold and silver used in the arts, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELKINS. I move that the Senate insist upon its amendments and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint conferees on the part of the Senate; and Mr. KEAN, Mr. FORAKER, and Mr. CARMACK were appointed.

MISSISSIPPI RIVER DAM.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5972) entitled "An act permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn."

The amendments were, on page 3, line 15, to strike out "three years" and insert "one year;" and on page 3, line 16, to strike out "six" and insert "three."

Mr. NELSON. I move that the Senate concur in the House amendments.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 12273) authorizing the appointment of certain midshipmen in the United States Navy; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

S. 2654. An act to amend chapter 55 of an act entitled "An act to establish a code of law for the District of Columbia;

S. 6088. An act authorizing the closing of part of an alley in square No. 733 in the city of Washington, D. C.;

S. 6244. An act to change the lunacy proceedings in the District of Columbia where the Commissioners of said District are the petitioners, and for other purposes;

S. 6422. An act to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes;

S. 6425. An act to amend section 4472 of the Revised Statutes so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motor power;

S. 7008. An act permitting the Washington Market Company to lay a conduit across Seventh street west; and

S. 7081. An act to mark the grave of Maj. Pierre Charles L'Enfant.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The PRESIDENT pro tempore (at 2 o'clock p. m.). The hour to which the Senate sitting as a court of impeachment adjourned has arrived. The Senator from Connecticut will please take the chair.

Mr. PLATT of Connecticut assumed the chair.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Senate is now in session for the trial of the impeachment of Charles Swayne, United States district judge in and for the northern district of Florida. The Sergeant-at-Arms will make proclamation.

The Sergeant-at-Arms made the usual proclamation.

The PRESIDING OFFICER. The Sergeant-at-Arms will notify the managers if they are in attendance.

The managers on the part of the House of Representatives to conduct the impeachment were announced by the Assistant Sergeant-at-Arms, and by him conducted to the seats assigned them.

The respondent, Judge Charles Swayne, accompanied by his counsel, Mr. Higgins and Mr. Thurston, entered the Chamber and took the seats assigned them.

The Journal of the Senate sitting as a court for the trial of the impeachment Saturday, February 11, was read.

Mr. FAIRBANKS. Mr. President, I move the adoption of the following order.

The PRESIDING OFFICER. It will be read by the Secretary.

The order was read, and agreed to, as follows:

Ordered, That there be printed for the use of the Senate sitting for the trial of the impeachment of Charles Swayne, 150 copies of the brief prepared by the counsel for the respondent, and that the usual number be not printed.

The PRESIDING OFFICER. Are the managers ready to proceed?

Mr. HIGGINS. Mr. President, in respect to the application made by counsel for the respondent for an attachment against Louis P. Paquet, we desire to have the matter properly investigated as to whether the witness is really able to attend or not, and to that end we ask that the attachment may issue, and that the officer or the Sergeant-at-Arms serving the same may be charged with the discretion of determining whether the witness is able to attend or not. That is the course which has been pursued in practice with which I am familiar. In other words, where there is doubt in the mind of the court or of counsel as to whether a witness is able to attend or not, the court awaits the return of the sheriff or the marshal in the premises.

The PRESIDING OFFICER. The sixth rule of the Senate for impeachment trials provides that motions for attachment must be decided by the Senate rather than the Presiding Officer. Whether it be necessary for the Senate to retire to consult upon this matter the Presiding Officer does not know, but he will state the motion to the Senate.

Mr. Paquet, a witness summoned for the respondent, has furnished the certificate of a physician that he has been ill since January 31, and is still ill, confined to his bed, and probably will not be able to travel for two or three weeks. Counsel for respondent now moves that an attachment may issue, and that the Sergeant-at-Arms in serving the same be authorized to use his discretion to determine whether the witness is or is not able to travel. Unless there be some motion made to retire for the consideration of this question, the Presiding Officer will submit the motion to the Senate. [Putting the question.]

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

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. The yeas and nays have been requested. I suppose the Presiding Officer should first ascertain whether there is a second. Is there a second?

Mr. FORAKER. Before the yeas and nays are ordered, I should like to inquire whether or not any statement has been made as to the testimony that it is sought to bring before the Senate by this witness? Has anything been stated as to the importance of it or the nature of it? We are entirely without any advice except only that a witness has furnished a physician's certificate that he is unable to travel and will not be able to travel for two or three weeks.

Mr. HIGGINS. Mr. President, in answer to the query of the Senator, I have to say that the witness is a most material witness and his testimony most important. He is one of the three attorneys in the Davis and Belden case who were charged with contempt in that case. He left Pensacola, as I am instructed will be shown, immediately after the publication of Sunday morning in the newspaper, and went to New Orleans, and so was not tried for contempt before the court. He took a writ of prohibition from the supreme court, or the circuit court of appeals, I am not certain to which he appealed, and thereafter he came into the court for the northern district of Florida, and there apologized and admitted the contempt and was discharged.

Now, his testimony goes much beyond that. It goes to the time, which is a disputed point, when Elza T. Davis, one of the other two witnesses, was employed as counsel in the Florida Maguire suit, and as to that point we are very anxious to have his testimony. Really in an ordinary case his absence would be a ground for a continuance of the case, in the opinion of counsel for the respondent.

Mr. BACON. Mr. President, if I am in order to make an inquiry, in order that the statement of the Presiding Officer may be distinctly understood, I understood the Presiding Officer to say that the Sergeant-at-Arms would be clothed with discretion. From that I gather that if the witness is not in a condition to be brought with safety to himself he would not be brought, and if he is in a condition to be brought he will be brought. Is that the meaning of the word "discretion" in that connection?

The PRESIDING OFFICER. That was what the Presiding Officer understood from counsel when the motion was made.

Mr. HIGGINS. That is the correct understanding, Mr. President.

Mr. CULBERSON. Mr. President, I desire to inquire whether it is not possible for counsel to agree to take the deposition of this witness?

The PRESIDING OFFICER. Will the managers respond?

Mr. Manager PALMER. Mr. President, we offered to take the deposition of Mr. Durkee in Jacksonville, Fla., and it was declined on the part of counsel. But we are quite willing to take Mr. Paquet's deposition, if there is time for it, in New Orleans, if he can not be brought here. We would much prefer to have him brought here, because we think he is quite as important a witness for us as for them.

Mr. HIGGINS. Mr. President, there is great difficulty in the preparation of interrogatories and the taking of a deposition and its return in time for the closing of the testimony in this case. I think it is impossible for it to be done. The taking of the testimony would be through with before that testimony or deposition could be executed. But we are willing, and I make the tender, to receive the testimony of Mr. Paquet before the investigating committee, if the managers are willing to accept that.

Mr. Manager PALMER. We could not do that.

Mr. HIGGINS. Well, that is all.

Mr. SPOONER. Mr. President, whether a witness shall be brought by an attachment or not is for the judgment of the Senate as a court, I should think, and I should like to hear it somewhat discussed, if there are authorities sustaining the proposition, that a court issues an attachment for a witness leaving it to the sheriff to determine whether the judgment of the court or the writ shall be executed or not. I should like to have the authorities produced.

So far as the Senate knows, this witness is not able to attend. The Presiding Officer has laid before the Senate a letter of the wife of the witness, stating his condition, and a certificate of his physician that he is ill—not only confined to his house, but confined to his bed—and is not able to travel. I suggest that at least the matter be not decided at once.

Mr. HIGGINS. Mr. President, I accept the suggestion that it should not be decided at once, but I beg to say one word in respect to the matter raised by the Senator; and that is that the date the certificate of the physician was made was several days ago. To be sure, we had a telegram here on Saturday from Mrs. Paquet stating that such a certificate had been forwarded; but beyond the actual condition of the witness at the time the certificate was furnished, it becomes altogether a matter of conjecture thereafter as to when he would or when he would not be able to travel. Therefore a messenger or an officer of this court would be the most effective agency for ascertaining the matter on the ground.

I will say further to the Senator that I only have made this suggestion as a matter of practice within the knowledge, and familiar knowledge, of whatever court may have had such a practice. Of course, one of the difficulties of this tribunal is that it is made up from all the land, and the practice in different courts may be different on this point; but it is the practice with which I have been familiar for forty years.

The PRESIDING OFFICER. The Presiding Officer understands, then, that for the present the motion is withdrawn or laid over.

Mr. HIGGINS. It lies over.

The PRESIDING OFFICER. Are the managers ready to proceed?

Mr. Manager PALMER. I wish to ask for an attachment for Simeon Belden, of New Orleans. I will state that I had a letter from Mr. Belden stating that he was ill, had the grippe, but that he thought he would be able to get here by Tuesday morning. I telegraphed him yesterday that he must start at once. A dispatch was received in this city by somebody yesterday that he expected to start on Tuesday. In order to preserve our rights, I ask that we have an attachment for Mr. Simeon Belden, who is a very important witness in this case.

The PRESIDING OFFICER. Do the managers desire that that motion shall be decided at this time?

Mr. Manager PALMER. I think so, sir. I think we ought to have it recorded that the attachment has been requested.

The PRESIDING OFFICER. The managers on the part of the House ask for an attachment for Witness Simeon Belden.

Mr. TELLER. Mr. President, before I vote for an attachment I want to know something about the facts. Sitting in the back seats here we did not hear what the manager said as to the facts. We do not even know whether this man has been served with a subpœna.

Mr. Manager PALMER. Well, Mr. President, the Sergeant-at-Arms reports that this man was served, and, as I stated, he sent me a letter, which I received yesterday, saying that he had been served; that he was ill and had not been able to start, but he thought he would be able to get here by Tuesday morning—that is, to-morrow.

Mr. CULLOM. That he would be able to get here?

Mr. Manager PALMER. Yes; to get here. But yesterday a dispatch was received from him that he thought he would start on Tuesday morning. Mr. Belden is certainly a very important witness in this case. He was one of the persons who was put in prison for contempt by Judge Swayne, and we need him in this trial. In order to preserve our rights, we ask for this attachment. We will endeavor to get him without sending the attachment for him if we can, but we do not want to be held guilty of laches in not applying for an attachment just as soon as we find the witness is not here.

Mr. HALE. Let me ask if this witness is not one of the persons upon whose motion charges against Judge Swayne have been filed and presented to the Senate?

Mr. Manager PALMER. Mr. President, he is one of the persons. He is not a reluctant witness. He is a sick witness. He says he is sick in bed and can not start before Tuesday morning. He is not a reluctant witness in any sense. I will not say he is an eager witness, but I will say he is very desirous of being here.

Mr. HALE. I only wish to say, Mr. President, that I think the opinion of the Senate in respect to this part of the procedure is that we should proceed as fast as possible. A great deal of the time of the Senate is being consumed at this late stage of the session by the hours that we are obliged to put in each day in this trial. The time is further consumed by controversies about the presence of witnesses who do not appear here, and the jurisdiction of the Senate over other public business is all the more and more taken away. I may venture to express the hope that in these matters counsel, if possible, will relieve the Senate of these controversies about the presence of witnesses.

The PRESIDING OFFICER. The Presiding Officer will put the question to the Senate, unless there is further——

Mr. SPOONER. Mr. President, before that is done, may I ask for whom is the attachment sought?

Mr. Manager PALMER. For Simeon Belden.

The PRESIDING OFFICER. The motion is made that an attachment issue for Simeon Belden.

Mr. SPOONER. As I understand it, Mr. President, this witness is subpœnaed on behalf of the managers, and the managers state that he is eager to come, and not attempting to evade at all compliance with the subpœna issued by the Senate. He is anxious to come, and will come as soon as he can, but he has been detained by illness. I hardly feel like voting to issue an attachment for a witness who is eager to come and will come at the earliest possible moment, but who in the meantime is detained or delayed by illness. That seems to be this case.

The PRESIDING OFFICER. Is the Senate ready for the question? [Putting the question.] In the opinion of the Chair, the "noes" have it.

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

The PRESIDING OFFICER. The Senator from Colorado asks for the yeas and nays. Is there a second?

Mr. BERRY. The Senator from Colorado [Mr. TELLER] did not ask for the yeas and nays on this question.

Mr. TELLER. I did not ask for the yeas and nays on this.

Mr. BERRY. It was on the other case that the Senator from Colorado [Mr. TELLER] asked for the yeas and nays.

The PRESIDING OFFICER. The Presiding Officer understood that the junior Senator from Colorado [Mr. PATTERSON] asked for the yeas and nays.

Mr. CLAY. Mr. President——

Mr. PATTERSON. I asked for the yeas and nays, Mr. President, on the motion for an attachment for Simeon Belden. I think the managers on the part of the House are entitled to the attachment.

Mr. CLAY. Mr. President, just a word. I understood one of the managers to say that this witness had notified the managers that he would reach here Tuesday. They had been notified that he was sick; his wife had telegraphed that he was sick, and he has a certificate of a physician sent here stating that he was sick.

Several SENATORS. No.

Mr. BERRY. That is the other case.

Mr. CLAY. Well, I think a certificate was read here the other day stating that the witness was sick.

Mr. BERRY. That was in the other case—the case of Mr. Paquet.

Mr. CLAY. I may be mistaken about that, but the manager says, anyway, that the witness will be here; that he has stated that he was sick, and that he will start Tuesday. He is doing the very best he can to get here, and I ask the managers on the

part of the House, would it not be better to wait until Tuesday? They might hear from him again, and it might save the necessity of asking for an attachment.

Mr. Manager PALMER. Well, Mr. President, we are entirely willing to wait. All we are asking is that we shall not be accused after a while of having omitted to apply for this attachment in time. I am perfectly content to wait. I do not want to attach this man; I do not think he ought to be attached really; but, at the same time, we must preserve the rights we have got here, so that somebody may not rise here and say after a while, "Why did you not apply for this attachment last Monday?"

Mr. PATTERSON. In view of the statement of the manager on the part of the House, I withdraw my request for the yeas and nays.

The PRESIDING OFFICER. The Presiding Officer understands that the motion is for the prese\t withheld.

Mr. Manager PALMER. Yes.

The PRESIDING OFFICER. Are the managers ready to proceed with the witness?

Mr. Manager PERKINS. I take the liberty of stating, Mr. President, that, in conformity with the very just suggestion of the Senator, I shall endeavor to have the evidence of the witnesses to be called as brief as is consistent with the necessities of the case. I hope that, with the exception of one formal witness, I can close all the evidence on the question of nonresidence, so as to give the Senate some time to attend to other duties this afternooon. I call Mr. Wentworth.

George P. Wentworth sworn and examined.

By Mr. Manager PERKINS:

Question. Where do you live?

Answer. Pensacola, Fla.

Mr. HIGGINS. I want the name of the witness first.

The WITNESS. George P. Wentworth.

Mr. TELLER. Mr. President, if we are to take part in this trial, which we think we must, under our oath and the Constitution, I insist that we shall be allowed to hear what is going on. If the manager conducting the examination would stand in the middle of the center aisle or somewhere near there, we probably could hear, and the other side of the Chamber ought to hear quite as well as they now do. We in this part of the Chamber can not hear from the point where the manager is standing.

Mr. Manager PERKINS. I desire to stand wherever the Senate can hear me best. I had supposed on Saturday afternoon when I stood here that the questions and answers were heard in all parts of the Senate from the fact that I heard no complaint from any one afterwards. If that was a mistake, then I can change my position to-day, but I judge that on Saturday I was heard in all parts of the Senate, including the last two rows on the other side of the Chamber.

Mr. TELLER. Mr. President, I should like to say that on Saturday the manager was not heard here a great deal of the time. We did hear the witnesses, and so we got along very well. This morning we have not been able within the last few moments to hear the managers at all.

Mr. Manager PERKINS. I think I will make myself heard in the questions.

Q. (By Mr. Manager PERKINS.) Where do you live?

A. Pensacola, Fla.

Q. How long have you lived there?

A. Since 1877.

Q. What is your business?

A. I am secretary and general manager of the Escambia Realty Company, and a practicing lawyer also.

Q. Were you at any time a clerk in the office of the district attorney or any other public office?

A. Yes, sir; I was clerk, appointed March, 1898; resigned January 1, 1903, and was reappointed January 1, 1905.

Q. You were a clerk in what office?

A. United States attorney's office for the northern district of Florida.

Q. From what time?

A. From March, 1898, to January 1, 1903, at which time I resigned, but was reappointed January 1, 1905.

Q. You knew Judge Swayne?

A. Yes, sir.

Q. Did you, from your position as clerk, have occasion to know when Judge Swayne was in Pensacola?

A. Yes, sir; I did to a certain extent.

Q. Were you present at the terms of court?

A. Yes, sir.

Q. Did you have any business or relations with the judge from your position as clerk?

A. Well, not directly; indirectly I did, sir.

Q. As representing the office?

A. Yes, sir.

Q. How long was Judge Swayne present in Pensacola, to your knowledge, from March, 1898, to 1903?

A. Well, as a rule, he would come to Pensacola just before the holding of court and would leave generally right after the adjournment.

Q. How many terms of court were held a year?

A. There were two terms a year held in Pensacola generally. Some years there was one term held in Tallahassee and some years two terms, according to the——

Q. How much time was occupied by those terms of court in all?

A. In Pensacola, ten days or two weeks; in Tallahassee, about one week; that is, each term.

Q. Each term. Was Judge Swayne present in Pensacola or Tallahassee, to your knowledge, from 1898 down to 1900 except during the terms of the court?

A. Yes, sir; he would come there occasionally to hold court in chambers and consider any motions.

Q. For how long a time?

A. Generally two or three days.

Q. Well, was he there at any time, to your knowledge, except when he was there officially holding court of some sort?

A. Not to my knowledge; no, sir.

Q. Not to your knowledge. Did you have occasion to send his papers from the office of the United States attorney when he was not there?

A. Yes, sir.

Q. Where did you send them?

A. Guyencourt, Del.

Q. What sort of papers did you have to send there?

A. Well, in the northern district of Florida there is no regular provision for the appointment of an assistant district attorney. Only during a term of court is one allowed and his appointment had to be approved by the district judge. We would generally forward the papers to him there, and he would forward them to the Attorney-General. Occasionally, I think, there were motions and orders for juries.

Mr. Manager PERKINS (to the witness). Speak distinctly, Mr. Wentworth, so that all the Senators can hear you.

The WITNESS. Yes, sir; I think there were occasionally orders to draw juries sent to him in Delaware.

Q. (By Mr. Manager PERKINS.) You may state how it was in reference to the orders required in the United States district attorney's office, except those that were granted while the court was actually in session. What was done with them all?

A. Well, there were a good many of them that were sent to him at Guyencourt. Of course occasionally he was holding court in some other part of the country—Texas.

Q. How much delay resulted from that?

A. Well, I can not say as to that; I do not know how much delay. Simply the delay of forwarding the order to Judge Swayne and receiving it back; that was all.

Q. To your knowledge, was there any time, except when Judge Swayne was actually holding a term of the court, at which your office could apply to him for an order except by mail?

A. No; not while he was holding a term of court; no, sir.

Q. No; "except." Was there any time, except when he was holding court, that the United States district attorney could obtain an order from Judge Swayne except by mailing the papers to him?

A. Not to my knowledge; no, sir. There may have——

Q. Not to your knowledge. By whose instructions were these various papers and draft orders sent to Guyencourt?

The WITNESS. By whose instructions?

Mr. Manager PERKINS. Yes.

A. The district attorney instructed me.

Q. The district attorney instructed you?

A. Yes, sir.

Q. You did not receive any instruction yourself from Judge Swayne?

A. No, sir.

Q. Did you know of any place where Judge Swayne stopped in Pensacola during the years 1898 and 1899, except at the hotel?

The WITNESS. During 1898 and 1899?

Mr. Manager PERKINS. Yes.

A. No, sir; I do not.

Q. Do you know of any place from 1899 down to 1903?

A. Yes, sir. He occupied the Simmons residence, I think, on North Barcelona street, for a while.

Q. When was that?

A. I do not know exactly. I can not tell you exactly.

Q. Do you remember how long it was?

A. Yes, sir; he occupied it for a while. I know his furniture was in the house for some time.

Q. How long was he in there—in that cottage—to your knowledge, if you know?

A. I could not state, sir.

Q. You could not state?

A. No, sir.

Mr. Manager PERKINS. That is all.

Cross-examined by Mr. HIGGINS:

Q. Mr. Wentworth, what was the character of the orders that you had to send to Judge Swayne when he was out of the jurisdiction?

A. They were principally, as I said before, applications for the appointment of an assistant district attorney during the holding of the court.

Q. Would you have to have that order made frequently?

A. Well, just during a term of court. Just prior to the holding of a term of court we would have to have an order, and that order would be forwarded to the Attorney-General. We would make formal application to be indorsed by the judge, and after it had been indorsed by the judge it was referred to the Attorney-General, and he would appont.

Q. Would he appoint the assistant district attorney?

A. The assistant district attorney; yes, sir. You see the northern district of Florida is not provided with a regular assistant district attorney. It is simply a temporary appointment during a term of court.

Q. You say such orders when made were sent by you to Judge Swayne at Guyencourt?

A. As a rule.

Q. As a rule?

A. Yes, sir.

Q. Where else did you send them to him, if not there?

A. Well, I think on one or, possibly, two occasions they were sent to Texas. I could tell, of course, by the letter book. I have not the letter book.

Q. You have not the letter book?

A. No, sir.

Q. You knew that Judge Swayne was at Pensacola while he was holding court?

A. While he was holding court; yes, sir.

Q. But when he was not holding court, what did you say?

A. I said he was generally at Guyencourt.

Q. How do you know he was there?

A. By sending those orders there—the applications for appointment.

Q. You drew the inference that he was there by the district attorney telling you to mail them there?

A. Yes, sir.

Q. That is all you know?

A. That is all I know.

Q. Except when you sent them to Texas?

A. I think to Texas on one or two occasions.

Q. Where did the judge go; do you know? I will put it this way: Did he leave Pensacola after court?

A. Yes, sir.

Q. How do you know?

A. Well, I did not see him around the court or around the house.

Q. You did not see him?

A. No, sir.

Q. Did you see him leave?

A. No, sir.

Q. Do you know, of your own knowledge, that he did go?

A. Well, I can swear to it as well as I can swear to anything——

Mr. HIGGINS. Please answer my question. I ask the Reporter to read the question.

The Reporter read as follows:

Q. Do you know, of your own knowledge, that he did go?

A. No, sir; I can not say that I know of my own knowledge.

Q. Do you know where Judge Swayne, in bodily presence, was when he was in Pensacola?

A. No, sir.

Q. Do you not know that, except in the summer months and possibly up to October, he never was in Delaware but occasionally?

A. No, sir; I do not.

Q. Do you not know that at the time he was absent from Pensacola during the winter time of the years of which you speak, he was holding court in his circuit, but outside of his district?

A. I can not swear to it; no, sir; I do not know it of my own knowledge.

Q. Then you do not know?

A. I do not know of my own knowledge.

Q. I am only asking for your knowledge.

A. Yes, sir.

Q. You say you are a lawyer, sir?

A. Yes, sir.

Q. How many orders were required to be made a year for the appointment of a United States attorney?

A. Two.

Q. Two?

A. Yes, sir.

Q. At what time of the year would you mail them?

A. It would be generally in March and May, and then again about November, I think.

Q. And then again about November?

A. Yes, sir.

Q. Or before November?

A. The latter part of October or the first of November.

Q. And there were no other orders that you had to send for except those which concerned the appointment of an assistant United States attorney?

A. No, sir.

Q. You do know that Judge Swayne resided in the Simmons's residence or cottage?

A. Yes, sir.

Q. But you can not say when?

A. I can not say.

Q. Or for how long?

A. No, sir; I can not say for how long.

Q. And then do you know of his staying at Pensacola between the terms of court at any other place than the Simmons's cottage?

The WITNESS. Since when?

Mr. HIGGINS. At any time.

A. Yes, sir; he was at Captain Northrup's house for some time, and, I think, at Mr. Marsh's house for some time.

Q. When were those times?

A. I can not state definitely.

Q. You can not state definitely? You have stated that he never was there except during terms of court?

A. I still adhere to that proposition.

Q. How could he be staying between terms of court at the houses you have just spoken of?

A. I did not mean to convey that idea.

Q. What idea?

A. The idea that he was in Pensacola at other times than the times he was holding court. As I stated on my direct examination, it is possible he was there some time holding court in chambers.

The PRESIDING OFFICER. The Presiding Officer thinks the witness misunderstood the question.

Q. (By Mr. HIGGINS.) I am going to ask the question: Do I understand you to say that when he was staying at Captain Northrup's and Mr. Marsh's, and—what is the other place?

A. The Escambia Hotel.

Q. The Escambia Hotel—that you only knew of his staying there during terms of court?

A. Yes, sir.

Q. Not between terms?

A. No, sir.

Q. That is of your knowledge?

A. Yes, sir; that is all.

Q. But he might have been in town and you not know it?

A. Yes, sir; he might have been there, and I not know it.

Mr. HIGGINS. That is all.

Reexamined by Mr. Manager PERKINS:

Q. What class of orders did you say you sent to Judge Swayne?

A. The appointment of assistant district attorney.

Q. Were orders sent for the calling of a jury?

A. Well, those were sent, but my knowledge is not direct—not personal knowledge on that fact.

Q. Were those orders sent from the district attorney's office?

A. Well, I think they were on one or two occasions.

Mr. HIGGINS (to the witness). Speak of your own knowledge, sir.

The WITNESS. I can not swear positively.

Q. (By Mr. Manager PERKINS.) Were orders sent in reference to the adjournment of the term from the district attorney's office?

A. No, sir; not to my knowledge.
Q. From what office would those orders go?
A. I think from the clerk's office.
Q. When you sent those orders to Guyencourt, what became of them? Did you receive them?
A. Occasionally we received them back; and sometimes they were sent by Judge Swayne, in an inclosed envelope, to the Attorney-General.
Q. When you received them back, were they signed by Judge Swayne?
A. Yes, sir.
Q. Did they come back in the ordinary course of the mail?
A. Yes, sir.
Q. From Guyencourt?
A. Yes, sir.
Q. Will you state how many letters a year were written from the district attorney's office addressed to Judge Swayne at Guyencourt?
A. I am positive of two. I do not know all—about two, but I do not know how many more.
Q. The other orders and letters were not under your jurisdiction?
A. No, sir.
Mr. Manager PERKINS. That is all. Call Mr. A. C. Blount, jr.

Mr. A. C. Blount, jr., sworn and examined.

Mr. NELSON. Mr. President, it is very difficult to hear the witnesses. I think if the witnesses would occupy a stand right in front of the Reporters there in the center, we could hear much better than up where they are placed. I have found great difficulty in hearing the witnesses over here. I would suggest that the witness be allowed to take his stand right in front of the managers and the attorneys.
The PRESIDING OFFICER. The witness suggests that he thinks he will be able to be heard.
Mr. Manager PERKINS. I should like to ask, Mr. President, in view of the suggestion made by the Senator from Colorado, whether the questions which I put are now heard.
Mr. TELLER. Mr. President, we have had no difficulty in hearing the last witness and the last examination. I have not, at any rate, and I understand my associates say the same thing.
Mr. Manager PERKINS. Mr. President, I trust if there is any complaint the Senators will notify us, because unthinkingly sometimes one omits to speak sufficiently loud.

By Mr. Manager PERKINS:

Q. Mr. Blount, where do you live?
A. I live in Pensacola, Fla.
Mr. BEVERIDGE. Mr. President, the witness will have to do very much better than that, if he is to be heard by any Senator in this part of the Chamber.
The PRESIDING OFFICER. The Presiding Officer is doing the best he can to have the witness heard.
Mr. BEVERIDGE. Senators have no difficulty in hearing the Presiding Officer, but the witness we do not hear, nor have we heard very many of the witnesses. The examination, so far as the witnesses are concerned, seems to be conducted as though it were a hearing in chambers.
Q. (By Manager PERKINS.) Where do you live?
A. I live in Pensacola, Fla.
Q. How long have you lived there?
A. Forty-four years.
Q. What is your business?
A. I am a lawyer.
Q. Do you hold any position there; and if so, what?
A. I hold no official position at present.
Q. You have been a judge there?
A. I have been judge of the criminal court of record for eight years.
Q. How long have you known Judge Swayne?
A. Ever since he has been district judge for the northern district of Florida.
Q. Have you had occasion to see him from 1894 down to this time?
A. I have, frequently.
Q. What law office are you connected with?
A. I am junior member of the firm of Blount & Blount.
Q. You may state whether that office has had a large practice in the United States court?
A. It has.
Q. And that has been true during all this period?
A. All of this period.
Q. Have you known Judge Swayne personally?
A. I have.
Q. During what time, from 1894 to 1900, was Judge Swayne in Pensacola, to your knowledge?
A. To the best of my recollection, very little longer than the court over which he presided held its sessions.
Q. And how long a time did those terms last?
A. Usually about two weeks.
Q. Two courts in each year?
A. Two courts in each year. One in the fall, usually in November, and the other in the spring, usually in March.
Q. Do you know where he stayed when in Pensacola?
The WITNESS. While in Pensacola?
Mr. Manager PERKINS. Yes.
A. He stayed, to the best of my information——
Mr. HIGGINS. Beg pardon. I do not want your information, sir.
Mr. Manager PERKINS. I submit that the witness is entirely correct. He is stating his knowledge.
Mr. HIGGINS. No; "information" is what he said.
The WITNESS. To the best of my knowledge and belief.
Mr. Manager PERKINS. Go on.
A. He stayed at the Escambia Hotel. He also stayed or boarded with Capt. W. H. Northrup.
Q. (By Mr. Manager PERKINS.) And did you know, Judge Blount, of any other place, except Northrup's boarding house and the Escambia Hotel, where Judge Swayne could be found in Pensacola from 1894 to 1900; and, if so, where?
A. I know of no other place, unless it may have been at a house belonging to Capt. B. F. Simmons, which he leased for a time.
Q. Do you know when he leased it?
A. I do not.
Q. Do you know, of your own knowledge, how long he was there?
A. I can not say that I do.
Q. Did the office of Blount & Blount have any occasion to send papers, which required the signature of Judge Swayne or the action of Judge Swayne, to him when the court was not in session?
A. It did.
Q. During all those years?
A. During all those years.
Q. What did you do with them?
The WITNESS. Do you mean when he was not in the city of Pensacola?
Mr. Manager PERKINS. When he was not in Pensacola. Where did you send them?
A. They were usually sent to Guyencourt, Del.
Q. Did you afterwards receive them back?
A. I presume we did.
Q. What is your recollection?
A. We did, whenever——
Q. Signed or acted upon by the Judge?
A. In almost every instance, so far as I can recollect.
Q. Did any delay in obtaining orders or relief result from this procedure?
A. Sometimes.
Q. Were those orders or papers such as could have been acted upon at the time if there had been a judge present in the district?
A. If you will permit me to state, most of our business conducted in Judge Swayne's court was conducted by the senior member of our firm, Mr. W. A. Blount. Personally, I do not recollect ever having sent an order to Judge Swayne for his signature.
Q. You knew of papers that were sent by the office?
A. I knew that papers were sent and papers received back.
Q. I ask you whether you can state from your knowledge whether those papers were such as might have been signed by the judge on the spot if he had been there?
A. They were.
Q. Did you sell a house to Judge Swayne?
A. I did.
Q. When?
A. On the 30th day of May, 1903.
Q. That was a house in Pensacola?
A. It was my private residence.
Q. In Pensacola?
A. In Pensacola.
Q. What price was paid for it or agreed to be paid?
A. I was paid $4,000.
Q. It was the residence which yourself had occupied?
A. It was.
Q. And that was in May, 1903?
A. May, 1903.
Q. Has that house been since occupied by Judge Swayne and his family?
A. It was occupied by him and his family.

Q. From what time to what time?

A. To the best of my recollection, his family moved in in the fall of 1903.

Q. And how long did they stay there?

A. They stayed there at least during that winter.

Q. Until the spring of 1904. Were the furniture and the personal effects of Judge Swayne and his family moved into the house after he purchased it?

A. I did not visit the house after I sold it.

Q. You do not know how that was. During those years did you have frequent conversations with Judge Swayne?

A. More or less frequent, in his private office.

Q. Do you remember any times when he made any remarks in reference to an early adjournment of the court?

A. I do not know that I exactly understand.

Q. Did you ever hear Judge Swayne make any remarks from the bench or off the bench with reference to the adjournment of his court?

The WITNESS. That is rather indefinite.

Mr. Manager PERKINS. I have to be indefinite because my friend on the other side objects to my leading witnesses.

A. I heard him say, of course, that he intended to adjourn court.

Mr. Manager PERKINS. Yes; I dare say.

Q. (By Mr. Manager PERKINS.) Did he ever make any remarks, that you remember, in reference to a desire to adjourn the court early, for any reason?

A. I have heard him say so.

Q. How often?

A. I presume once or twice.

Q. What did he do when he made those remarks; did he adjourn the court?

A. The court would be adjourned.

Q. There was still business on the docket?

A. I think so, at times.

Q. What reason did he give, if you remember, for adjourning the court?

Mr. HIGGINS. I should like to know to what article of impeachment this evidence is directed?

Mr. Manager PERKINS. It bears upon the question of residence—all of it.

Mr. CARMACK. Mr. President, we did not hear the last few questions and answers, and we should like to have them repeated. I refer to the questions with respect to the adjournment of the court.

The PRESIDING OFFICER. The Reporter will read the questions and the answers.

The Reporter read as follows:

Q. Do you remember any times when he made any remarks in reference to an early adjournment of the court?—A. I do not know that I exactly understand.

Q. Did you ever hear Judge Swayne make any remarks from the bench or off the bench with reference to the adjournment of his court?

The WITNESS. That is rather indefinite.

Mr. Manager PERKINS. I have to be indefinite because my friend on the other side objects to my leading witnesses.—A. I heard him say, of course, that he intended to adjourn court.

Mr. Manager PERKINS. Yes; I dare say.

Q. (By Mr. Manager PERKINS.) Did he ever make any remarks, that you remember, in reference to a desire to adjourn the court early for any reason?—A. I have heard him say so.

Q. How often?—A. I presume once or twice.

Q. What did he do when he made those remarks; did he adjourn the court?—A. The court would be adjourned.

Q. There was still business on the docket?—A. I think so, at times.

Q. What reason did he give, if you remember, for adjourning the court?

The PRESIDING OFFICER. The witness may answer the question.

A. I do not know that I recollect any reason that he gave.

Q. (By Mr. Manager PERKINS.) Did you ever hear him say where he was going when the court was adjourned?

A. To the best of my recollection he would speak of his going home to Guyencourt, Del.

Q. Did he ever give to you any address as to where to send letters or papers after he had adjourned the court; and if so, what?

A. Unless he was going to hold court in some other district, his address was Guyencourt, Del.

Q. You say that he referred to his home in Guyencourt, Del. Is that correct?

A. It is, to the best of my recollection.

Q. How often did he do that?

A. It is impossible for me to say.

Q. Once or many times?

A. I can not say it was many times; I can not say it was once. It was at least once, and, to the best of my recollection, more than once.

Q. Did he ever refer to his horses at Guyencourt? Did he speak of having his horses at Guyencourt?

A. He had.

Q. Did he ever make any other reference to Guyencourt; and if so, what?

A. No other reference that I know of, except that he desired to go to Guyencourt to look out for some fine horses he had—good, thoroughbred horses.

Q. Did he ever to your knowledge have any horses in the northern district of Florida?

A. None to my knowledge.

Q. Did he to your knowledge have any residence at Pensacola from 1894 to 1900?

Mr. HIGGINS. We think that is asking for an opinion.

Mr. Manager PERKINS. Oh, no. It is simply asking whether there was any place to the knowledge of the witness——

Mr. HIGGINS. It is the same objection that was made on Saturday.

Mr. Manager PERKINS. Not quite. Then a witness was asked whether, in his opinion, Judge Swayne was a resident, and the Presiding Officer held that that was a question of law. I am now asking for a question of fact—whether, to the knowledge of this witness, who saw Judge Swayne during all these years—there was any place in Pensacola occupied by Judge Swayne as a residence.

Mr. HIGGINS. That is a different question.

Mr. Manager PERKINS. Just as I might ask whether my friend has a residence——

The PRESIDING OFFICER. The Presiding Officer thinks the question may be answered.

Mr. HIGGINS. It is not objectionable in its present form.

Mr. Manager PERKINS. Very well.

The WITNESS. He had no residence, no permanent residence, in the city of Pensacola up to the time he leased the Simmons house.

Q. (By Mr. Manager PERKINS.) Did he have any sort of a residence that you know of, except at the boarding house and tavern where he stayed?

A. None.

Mr. Manager PERKINS. You may cross-examine.

Cross-examined by Mr. HIGGINS:

Q. You speak of your sending orders or letters, correspondence, to Judge Swayne at Guyencourt, unless he was holding court out of his district.

A. Yes, sir.

Q. Will you please state how much he was, within your knowledge, holding court out of his district during the time of which you have testified?

A. It would be simply impossible for me to tell how much time he occupied in holding court in other districts.

Q. So that, be it much or little, you can throw no light on the matter to the court by your evidence?

A. None whatever.

Q. You do happen to know of the judge giving you his address as at Guyencourt?

A. I do.

Q. Do you know whether he ever did that other than in the summer and autumn vacation?

A. The vacation of the court, if held in March——

Mr. HIGGINS. I am not speaking of the court vacation. I am speaking of the vacation which the American people take for their comfort.

The WITNESS. I am talking about Judge Swayne's vacation.

Mr. HIGGINS. I am, too.

The WITNESS. I said to the best of my recollection the vacation began in March and ended in November.

Q. (By Mr. HIGGINS.) I ask if it was during that time that he gave you his address as Guyencourt?

A. It was.

Q. Do you know of his having gone to Delaware as early as March?

A. I do.

Q. When?

A. I can not name the year.

Q. How do you recall it and fix it?

A. As many other things are fixed in my mind, without being able to tell the time and date.

Q. Can you name any circumstance by which you can remember his being there at such a time?

A. I can not fix the time and date, but I can recollect that he has gone away from Pensacola in March, or a little after March, after holding court and adjourned court, to Guyencourt, Del.

Q. You know that?
A. I know it as well as I know any other thing that has passed within my——
Q. How do you know where he went?
A. Simply because he stated he was going to Guyencourt, Del.
Q. As early as March?
A. I think so.
Q. Do you more than think, Mr. Blount?
A. I believe.
Q. You have said you do not know whether the Judge was holding court out of his district during most of the winter months during those years?
A. He frequently held court out of the district, in Texas; sometimes he sat on the court of appeals, in New Orleans, La.; and sometimes he held court at Birmingham, Ala., and once he held court at Huntsville, Ala. How much oftener, I do not know.
Q. Did you have occasion to communicate with him by correspondence while he was at all of those places?
A. I do not think that personally I ever did communicate with him.
Q. Individually, I understood you to say that there was but a single occasion when you did correspond directly with him. It was done by your office, but not by you?
A. I do not know that I ever had any communication personally.
Mr. HIGGINS. That is all.
Mr. Manager PERKINS. I think that is all.

William W. Potter sworn and examined.

By Mr. Manager PERKINS:

Question. Mr. Potter, where do you live?
Answer. Pensacola, Fla.
Q. How long have you lived there?
A. About twenty-odd years.
Q. Have you held any official position?
A. Yes, sir.
Q. What?
A. I was clerk of the United States district court and deputy clerk of the United States circuit court for the northern district of Florida.
Q. During what period?
A. From 1899 to 1895.
Q. You held this position during the year 1894 and part of 1895?
A. Yes, sir.
Q. Down to what time in 1895?
A. I think it was in June.
Q. What has been your business since that time?
A. I have been employed in the mercantile business.
Q. Have you had anything to do with Judge Swayne's court since 1895?
A. No, sir; only as a juror.
Q. Only as a juror?
A. Yes, sir.
Q. What is your recollection as to how long Judge Swayne was in Pensacola in any one year during the time you were clerk?
A. In the fall of 1889 or in the winter of 1889——
Mr. HIGGINS. That does not cover this point.
The WITNESS. I think it was in the spring of 1890——
Mr. Manager PERKINS. Never mind about 1890. Come down to 1894.
Q. (By Mr. Manager PERKINS.) How much was he there in the years 1894 and 1895?
A. Well, I do not think he was there more than two or three months in the year.
Q. Was he there at any time to your knowledge except when terms of the court were held?
A. No, sir.
Q. Did you have any occasion to send papers to him from your office?
A. Very few. I think I did send some.
Q. Do you remember where you sent them?
A. I sent them to Guyencourt, Del.
Q. By whose instructions?
A. Well, I could not say about that.
Q. You got instructions from somebody to send them to Guyencourt?
A. Yes, sir.
Q. When you sent them to Guyencourt, did you receive them back from Guyencourt?
A. Yes, sir.

Q. Signed by the judge?
A. Yes, sir.
Q. Do you remember where Judge Swayne stopped in Pensacola in 1894 and 1895 and 1896?
A. I think he stopped at the Escambia Hotel for one place, and the other places I do not exactly recollect, but there were other places he stopped at.
Mr. Manager PERKINS. I think that is all.
Mr. HIGGINS. We have no questions.
Mr. Manager PERKINS. Call Mr. Coston.

Charles M. Coston sworn and examined.

By Mr. Manager PERKINS:

Question. Where do you live?
Answer. Pensacola, Fla.
Q. How long have you lived there?
A. Since June 5, 1895.
Q. What is your business?
A. Lawyer.
Q. Have you known Judge Swayne?
A. I have.
Q. How long?
A. I think since October, 1895, to the present time.
Q. Have you known of his being present at Pensacola holding court?
A. I have, sir.
Q. Had you any business before the court?
A. I am a practicing attorney before that court, and have had business before it constantly.
Q. Then you have at all times known when that court was in session?
A. I have.
Q. And you have known whether the Judge was there to hold the court?
A. I have.
Q. You have known of his whereabouts?
A. I have.
Q. Have you known of his being in Pensacola at any time except when the court was in session?
A. I have not, sir; only for a short time, if any.
Q. How long a time, if any?
A. I should judge not more than one week or ten days subsequent to the adjournment of the court; and then only on rare occasions.
Q. How often did that occur?
A. Very rarely. It was just only on rare occasions that he was there at a time subsequent to the holding of the court.
Q. Do you remember his occupying the Simmons cottage?
A. I do.
Q. When was that?
A. I can not say that I remember the exact year.
Q. Would it be your recollection that it was about 1900?
A. I think it was about that time.
Q. How long was he in the Simmons cottage, if you know?
A. I can not say exactly.
Q. About how long?
A. If I remember correctly, it may have been a year or two years.
Q. That he rented it?
A. Yes, sir.
Q. Do you know how large a portion of the time he was actually in Pensacola?
A. A very small portion of the time. As I said, only during the time that court was in session.
Q. In other words, he rented the cottage, but he did not occupy it except during the sessions of the court?
A. No, sir; he did not.
Q. Where did he stop before renting the Simmons cottage?
A. At the Escambia Hotel, if I remember correctly.
Q. Down to the time that he rented the Simmons cottage, did you know of any residence that Judge Swayne had in Pensacola?
The WITNESS. Up to the time of the renting of the Simmons cottage?
Mr. Manager PERKINS. Yes.
A. I do not, unless you describe a residence at a hotel as a residence in a city.
Q. You did not know of his being there prior to 1900 at any time, except when he was at the hotel, during the terms of the court? Is that the fact?
A. That is a fact.
Q. Did you have any occasion to send papers to Judge Swayne at any time?

A. I can not recall that I have ever had occasion to do so. My business before the court was largely criminal.

Q. Do you remember any time when cases stood over any term of the court?

A. Do you mean cases in which I was interested?

Q. Yes.

A. No; I do not. As I said, I am a criminal lawyer; my practice is largely criminal, and of course there was no occasion for cases to stand over.

Q. How long did those terms of the court last?

A. That is a very difficult thing to say.

Q. What is your recollection?

A. Well, I should judge from ten days to two or three weeks.

Q. And there were how many terms a year?

A. I think we have two terms there a year—that is, what you may call two legal terms, and then, of course, they may have a special term that can be called by the judge himself.

Mr. Manager PERKINS. I think you may cross-examine.

Cross-examined by Mr. HIGGINS:

Q. You say that Judge Swayne was at the Escambia Hotel?

A. He was, sir.

Q. And at other places?

A. Yes, sir.

Q. Where?

A. The other places mentioned, you mean—the places that I have mentioned in my examination in chief.

Q. You mentioned the Simmons cottage?

A. Yes, sir; the Simmons cottage.

Q. The Blount House?

A. I did not mention the Blount House. I was not asked about that.

Q. Did he live there?

A. He did, sir.

Q. Did he live at any other place?

A. At Capt. W. H. Northrup's residence.

Q. Did he live at any other place within your knowledge?

A. No, sir.

Q. Do you know where he was when he was not in Pensacola?

A. No.

Q. Do you know on what duty he was serving or whether he was serving on duty or not?

A. I do not, sir.

Q. You can only speak of whether he was in Pensacola so far as you knew?

A. That is all.

Q. And it is to that that your testimony has been confined?

A. That is all.

Mr. HIGGINS. That will do.

Reexamined by Mr. Manager PERKINS:

Q. When did he go to the Blount House; in 1903?

A. I think it was in the latter part of 1902 or in 1903. I do not know positively.

Q. At these times that Judge Swayne was there did you ever see any of his family with him?

A. I did, perhaps on one occasion, as I remember correctly.

Q. On what occasion?

A. The occasion was when the United States cruisers were in port. He had his daughter and, I think, one of his sons there. On another occasion I remember his having introduced me to his oldest son, who I believe is a lawyer in Delaware.

Q. In what year was it that the cruisers were at Pensacola?

A. I think it was in 1902. I am not positive as to that.

Q. How long were the son and daughter at Pensacola at that time?

A. At that time, if I remember correctly, only during the time the ships were in port, perhaps a little afterwards.

Mr. Manager PERKINS. I think that is all.

Reexamined by Mr. HIGGINS:

Q. Are you personally acquainted with his family, sir?

A. No, sir; only I can say I am personally acquainted with daughter through an introduction, the son through the method——

Q. You did not visit the family at all?

A. No, sir; they were not in town.

Q. Did you know Mrs. Swayne?

A. I have never met Mrs. Swayne.

Reexamined by Mr. Manager PERKINS:

Q. You said that you did not visit Mr. Swayne and his family. Was there ever a time to your knowledge when they were in Pensacola down to 1903 when you could visit them?

A. That is what I tried to explain. I did not go as far as I would like to. I say I never visited them because they were never there long enough to afford me an opportunity to visit them.

Mr. Manager PERKINS. So I understand. That is all.

Joseph C. Keyser sworn and examined.

By Mr. Manager PERKINS:

Question. Where do you live?

Answer. Pensacola, Fla.

Q. How long have you lived there?

A. About sixty-seven years; that is, not directly in the town, but in the neighborhood.

Q. How many years do you say you have lived there?

A. I have lived in Pensacola proper about thirty-five years.

Q. About thirty-five years?

A. Yes, sir.

Q. And you have known the residents of the town?

A. Yes, sir.

Q. You had occasion to be about the town more or less all those years?

The WITNESS. You will have to speak a little louder.

Mr. SPOONER. I suggest that the answers of this witness be repeated by the stenographer so that Senators may be advised of his testimony.

Mr. HIGGINS. Or by counsel.

The PRESIDING OFFICER. The Senate will please be in order.

Q. (By Mr. Manager PERKINS.) Have you known Judge Charles Swayne?

A. Yes, sir.

Q. For how many years have you known him?

A. I have known him ten or twelve years.

Q. Have you had any business in the United States courts?

A. I have.

Q. And have you had occasion to know in reference to the holding and sessions of the United States courts?

A. I have.

Q. Have you known when Judge Swayne was present in Pensacola from 1894 down to 1903?

Mr. HIGGINS. Within your own knowledge, sir.

Mr. Manager PERKINS. Yes.

The WITNESS. I can not say as to 1894.

Q. (By Mr. Manager PERKINS.) Begin in what year you did know. In 1895?

A. I think so; 1895 or 1896.

Q. You have known in reference to his being there from 1896 to 1903?

A. Yes, sir.

Q. Has he been in Pensacola at any time to your knowledge except when the court was in session?

A. I think a few times I have seen him there when court was not in session.

Q. How often?

A. A very few times; probably three or four.

Q. Do you know where he stopped when he was in Pensacola?

A. He stopped at different places.

Q. Well, where?

A. He boarded sometimes at one place, sometimes at another.

Q. Well, can you tell us the names of the places, or do you not remember? Can you tell us the names of the places where he boarded?

A. He stopped a portion of the time with Captain Northrup.

Q. Where else?

A. A part of the time at the Escambia Hotel.

Q. Did you know of his being anywhere else?

A. Not of my own knowledge, but from hearsay.

Q. Well, where did you hear he was?

Mr. HIGGINS. Oh, that is entirely out of the limit.

Mr. Manager PERKINS. If you do not want that question put I will not ask it then. I thought you might like to have the benefit of it, but I will withdraw the question. I will ask no more questions. That is all.

Mr. HIGGINS. There are no questions from counsel for the respondent.

The PRESIDING OFFICER. Is that all?

Mr. HIGGINS. That will do, Mr. Keyser.

John S. Beard sworn and examined.

By Mr. Manager PERKINS:

Question. Where do you live?

Answer. In Pensacola, Fla.

Q. How long have you lived there?

A. In Florida all my life; in Pensacola about fifteen years.

Q. What is your business?

A. I am a lawyer, sir, by profession.
Q. Have you known Judge Swayne?
A. Yes, sir.
Q. Have you known of his attendance at the terms of the court in Pensacola?
A. Yes, sir.
Q. Have you ever known him to be there at any time except when the court was in session?
A. No, sir; I have not. I can not recall any time that I have known of Judge Swayne being in Pensacola except during a term of court.
Q. How long do the terms of court last?
A. Well, sir, I suppose they average about two weeks a term, possibly, sometimes running to three weeks.
Q. How many terms a year?
A. Two.
Q. Do you know where he stopped down to 1900?
A. Of my own knowledge, I do not.
Q. Do you know anything, of your own knowledge, about his going to the Simmons cottage in 1900?
A. No, sir; I do not. I have only heard that he——
Q. Very well. Do you know of his buying Judge Blount's house in 1903?
A. Only by seeing it in the paper, sir.
Q. Who are the lawyers who do the most business or who did the most business in the United States district court during those years?
A. Well, sir, I should say that Blount & Blount and the firm of Avery & Avery control a very large majority of the business in that court, possibly 60 or 75 per cent of it.
Q. Have you ever heard complaints made by counsel of inconvenience in their practice by reason of the absence of Judge Swayne from Florida?
A. Repeatedly, sir.
Mr. THURSTON. Wait a minute. I ask the witness not to answer questions until an opportunity is given to object. We object to asking for hearsay testimony. If there are any such cases the attorneys themselves are within call, and the honorable manager is asking this witness to state nothing more than what some other attorney may have said.
Mr. Manager PERKINS. Well, Mr. President, how else can the matter of common reputation be proven? The answer of Judge Swayne it seems to us is immaterial. The law requires that he shall live in the district, and if he was not a resident it was a high misdemeanor. But in his answer it is alleged by way of palliation that he does not think inconvenience resulted to the bar. That we can only meet by evidence of this character.
The PRESIDING OFFICER. The Presiding Officer will submit this question to the Senate. The manager asks the witness, having first inquired who were the lawyers who did most of the business before the district court, if this witness had heard them complain of inconvenience growing out of the absence of Judge Swayne. Objection is made. The Presiding Officer will submit that question to the Senate. Senators who think the question is a proper one will say "aye" [putting the question]; contrary, "no." In the opinion of the Chair the "noes" have it. The objection is sustained.
Mr. Manager PERKINS. I think that is all for this witness.
Mr. THURSTON. We have no questions to ask the witness.

Mrs. Hattie N. Northrup sworn and examined.

By Mr. Manager PERKINS:

Question. You live at Pensacola?
Answer. Yes.
Q. You are the wife of William H. Northrup, who has been examined here?
A. Yes.
Q. It was at your house that Judge Swayne stayed when he was in Pensacola?
A. Yes.
Q. For how many years did he stay with you at your house?
A. Well, I do not just remember. I think it was between 1890 and 1896.
Q. Can you state whether he remained at your house at any time after the court had adjourned?
A. No.
Q. When did he arrive, in reference to the session of the court?
A. Well, he usually arrived the night before.
Q. He arrived the night before and left the day the court adjourned?
A. Well, the day, or the morning following.
Q. Did he occupy any one room at your house, or did he have different rooms at different times?
A. Well, he occupied several different rooms.
Q. Did he bring any furniture with him?
A. No, sir. The room was furnished.
Q. Did he bring anything with him except his carpetbag?
A. His trunk.
Q. And when he went away, Mrs. Northrup, he took with him what he brought?
A. Yes, sir.
Q. He left nothing at your house that was not——
Mr. HIGGINS. I ask that the learned manager would not lead the witness quite so much.
Mr. Manager PERKINS. Very well. (To the witness.) Did he leave anything at your house when he went away?
The WITNESS. No, sir.
Q. (By Mr. Manager PERKINS.) Were any members of his family ever there with him?
A. Yes, sir.
Q. What members?
A. His wife, his daughter, his son, and his mother.
Q. How many times?
A. I think that they were each there once.
Q. And for how many days?
A. Well, that I can not say.
Q. What?
A. I can not say; I can not remember.
Q. A week or——
A. It was a long time ago.
Q. Would your recollection be that they were there a week or ten days?
A. Probably.
Q. And only once were they there during the years that Judge Swayne boarded at your house?
A. I think so.
Mr. Manager PERKINS (to counsel for the respondent). You may cross-examine.

By Mr. HIGGINS:

Q. You say they were each there?
A. Yes.
Q. Do you mean they were all there at one time or at different times?
A. At different times.
Q. And after this lapse of time—you say it is a long time ago—you can not say how long it was that they remained?
A. No, sir.
Q. The judge's stay with you, as you say, began in 1890?
A. I think so.
Q. And ended, you think, in 1896?
A. That is to the best of my remembrance.
Q. So after that you could not speak——
A. No, sir.
Q. As to where he stayed or how long he stayed?
A. No, sir.
Mr. HIGGINS. That is enough.
Mr. Manager PERKINS. Nothing further.
I will state to the Presiding Officer that I have given all the oral evidence that will be given on this point. There is a certain amount of documentary evidence and some of it is not entirely ready to present. I should like to reserve the privilege of not presenting that until to-morrow. With that exception, the evidence on this point is closed.
The PRESIDING OFFICER. The Presiding Officer will inquire whether the managers or the counsel desire the witnesses who have been already examined to be retained in Washington longer or whether they may be discharged?
Mr. Manager PALMER. Mr. President, that depends. If we knew that one fact, we would be able to give the Chair information on that subject. If the counsel on the other side intend to go into evidence of Judge Swayne's good character, then we shall have to have these witnesses remain. If they do not expect to defend on that ground, then the witnesses can go home. It is up to them to say whether they are going to raise the issue of character.
The PRESIDING OFFICER. The Presiding Officer, then, understands that the managers are not ready at present to have the witnesses discharged?
Mr. Manager PALMER. No, sir.
The PRESIDING OFFICER. Are there further witnesses?
Mr. Manager OLMSTED. I call Mr. E. T. Davis.

Elza T. Davis sworn and examined.

By Mr. Manager OLMSTED:

Question. Mr. Davis, where do you reside?
Answer. At Pensacola, Fla.
Q. What is your occupation?
A. Lawyer.

Q. State whether you have recently been in Tyler, Tex.
A. I have.
Q. What railroad do you take to get from Pensacola, Fla., to Tyler, Tex.?
A. I take the L. and N. road to New Orleans.
Q. What do you mean by the L. and N. road?
A. The Louisville and Nashville. From New Orleans to Tyler I go on the Texas Pacific; that is, I go to Mineola on the Texas Pacific.
Q. Where did you stop in Tyler?
A. At the National Hotel.
Mr. Manager OLMSTED. I may state, Mr. President, that this witness is called in support of the first three articles of impeachment—the subject-matter of those articles. [To the witness.] Will you state, if you know, the distance from the National Hotel, at Tyler, to the court-room where the district court is held?
A. I think it is about 150 yards or more; that is, if it is the court-house in the square. The square is almost in front of the National Hotel.
Q. Well, it is about a block or so distant from the hotel?
A. Yes, sir.
Q. State, if you know, the railroad fare from Pensacola to Tyler.
A. I think it is about $18.
Q. Eighteen dollars?
A. Yes, sir.
Q. Do you know about the sleeping-car fare in the Pullman cars from Pensacola to Tyler?
A. I think it is about $6.
Q. Would that be for a full section or one berth?
A. One berth, or seat.
Q. Did you take meals on the car going?
A. Yes, sir; part of the way.
Q. What was about the expense of meals on the cars?
A. Well, they would average about a dollar.
Q. What is about the time required to travel from Pensacola to Tyler?
A. I think it is about thirty-two hours.
Q. About thirty-two hours?
A. I think so; yes, sir.
Q. Did you go direct from Pensacola to Tyler?
A. No, sir.
Q. How did you go?
A. I went from Pensacola to Dallas, Tex.; from Dallas to Fort Worth; from Fort Worth back to Dallas; from Dallas to Waco; from Waco to Tyler, and from Tyler to Pensacola.
Q. You went direct from Tyler to Pensacola, you state?
A. No, sir; I came back direct from Tyler to Pensacola.
Q. Well, about what was the length of that journey, in hours?
A. I think it is about the same thing.
Q. About thirty-two hours?
A. Yes, sir. I can not remember the exact time, but I think that is about right.
Q. As near as you can recall?
A. Yes, sir.
Q. Do you know whether Waco is nearer or more remote from Pensacola than Tyler?
A. It is more remote.
Q. How much farther is it to Waco?
A. I think it is about 122 miles.
Q. Beyond Tyler?
A. Yes, sir.
Q. Do you know the fare from Pensacola to Waco?
A. I think about $22 and something.
Q. Do you know the length of the journey?
A. About 700 and some odd miles.
Q. I mean in hours.
The WITNESS. You mean from Tyler to Waco?
Mr. Manager OLMSTED. No; from Pensacola to Waco or from Waco to Pensacola.
A. Well, it would be about between thirty-six and thirty-eight hours, I should judge.
No cross-examination.
Mr. Manager OLMSTED. That is all, Mr. Davis. Call Mr. R. W. Sublett.
Mr. President, I desire to state that we are not through with the examination of the witness who was just on the stand, except as to these three articles of impeachment. We intend to call him later upon another article.

R. W. Sublett sworn and examined.

By Mr. OLMSTED:

Question. What is your full name?
Answer. R. W. Sublett.
Q. Where do you live?
A. Pensacola.
Q. How long have you lived there?
A. About twenty-three years.
Q. What is your occupation?
A. Railroad ticket agent.
Q. For what company?
A. The Louisville and Nashville.
Q. The Louisville and Nashville what?
A. Railroad Company.
Q. How long have you been such ticket agent?
A. About twenty-three years.
Q. Do you know the respondent, Judge Swayne?
A. I do.
Q. Is the Louisville and Nashville the railroad by which one journeys from Pensacola to Tyler, Tex.?
A. Part of the way. You go out of Pensacola on the Louisville and Nashville railroad as far as New Orleans.
Q. You go from Pensacola to New Orleans upon the Louisville and Nashville?
A. You do.
Q. And then on what road?
A. Then by either the Southern Pacific or the Texas Pacific.
Q. You sell through tickets from Pensacola to Tyler?
A. I do, sir.
Q. What is the rate—what do you charge for such tickets?
A. To Tyler is $18.90.
Q. Do you also sell through tickets to Waco, Tex.?
A. Yes, sir.
Q. What is the rate from Pensacola to Waco?
A. Twenty-two dollars and sixty-five cents.
Q. State if you also sell sleeping-car berths.
A. I do.
Q. What is the rate of sleeping cars—they are Pullman cars?
A. They are; yes, sir.
Q. What is the rate for Pullman car accommodations from Pensacola to Tyler?
A. Well, I can not say exactly. The rate to New Orleans is $2. We have a car running to New Orleans, and the rate to New Orleans is $2. I think the rate is about $6, though, to Tyler.
Q. From Pensacola to Tyler?
A. From Pensacola.
Q. Now, does that cover one whole section or one berth?
A. One berth.
Q. What would be the price for a section?
A. A section would be double that amount—$12.
Q. Twelve dollars. Now, what would be the price from Pensacola to Waco?
A. About the same price; the same rate.
Q. Is the railroad rate the same now that it was in the years 1896, 1900, and 1903?
A. I think the rate is about the same, except there has been an addition of 50 cents in the last two years on account of a change of terminals of the Southern Pacific in New Orleans, and consequently a transfer of 50 cents has been added, making it 50 cents higher than it was.
Q. Do the figures which you have given include that 50 cents?
A. Yes; they include the 50 cents.
Q. Then the former rate was 50 cents less than the figures you have given?
A. Yes, sir; 50 cents less.
Q. Do you know the time of trains—the running time—between Pensacola and Tyler?
A. Well, it is about, I should say, twenty-eight to thirty hours. The connections are not very good. If the connections were absolutely close it would be less than that; but it takes about thirty hours, I think, to make the trip.
Q. That is, the running time is about twenty-eight hours, do you say?
A. No; I do not say "the running time." It takes a passenger that long to get there.
Q. About thirty hours?
A. Thirty hours; yes.
Q. The running and waiting time?
A. Yes.
Q. What is the running and waiting time from Pensacola to Waco?
A. If there is a good connection for Waco, you leave Pensacola, say, at noon, and you arrive at Waco the following afternoon. That makes about twenty-eight hours' run.
Q. Twenty-eight hours if you go right through?
A. Yes.

Q. Do you know Judge Swayne?
A. I do, sir.
Q. State if you have ever sold him a ticket from Pensacola to New Orleans, or Waco, or Tyler.
A. No; I do not remember to have sold the Judge a ticket to either of those points.
No cross-examination.
Mr. Manager OLMSTED. That is all. Call J. O. Jennings.

J. O. Jennings sworn and examined.

By Mr. Manager OLMSTED:

Question. Where do you reside?
Answer. At Pensacola, Fla.
Q. What is your occupation?
A. I am a passenger-train conductor.
Q. On what road?
A. The Louisville and Nashville Railroad.
Q. Is that the railroad leading from Pensacola to New Orleans?
A. Yes, sir. That is a branch of that railroad.
Q. Do you know Judge Swayne?
A. Yes, sir.
Q. State, if you know, whether in the years 1896, 1900, and 1903, all or any of them, he held an annual pass good on the Louisville and Nashville Railroad?
A. Yes, sir; he held an annual pass good on the Louisville and Nashville Railroad, but I do not remember now during what years he traveled with me.
Q. According to the best of your recollection, would you say that he had one in 1896?
A. I think that he did.
Q. Would you say that he did, or did not, have one in 1900?
A. I can not say that he did not have one or that he did have one.
Q. What is the best of your recollection?
A. Well, I think that he did have one during 1900.
Q. And what is your recollection as to 1903?
A. I think it quite likely that he also held an annual pass.
Q. According to the best of your recollection, he had one in that year also?
A. Yes, sir.
Q. You saw the pass?
A. Yes, sir.
Mr. Manager OLMSTED. That is all.

Cross-examined by Mr. THURSTON:

Q. Your road runs from Pensacola to New Orleans?
A. Yes, sir; the L. & N. runs from Pensacola to New Orleans, but I do not run all the way there; our division runs from Pensacola to Flomaton.
Q. That is one division?
A. Yes, sir; that is the division.
Q. And at times you saw this annual pass?
A. Yes, sir; I saw this pass at different times.
Q. It was not an uncommon occurrence during those years to see annual passes on your trains, was it?
A. Nothing unusual.
Q. In fact, it is quite a common occurrence?
A. Yes, sir.
Mr. THURSTON. That is all.
Mr. Manager OLMSTED. I would state, Mr. President, that we are not questioning the right of Judge Swayne to ride on an annual pass. This evidence is simply on the point of expense. That is the point upon which we are——
Mr. THURSTON. No, Mr. President; I do not suppose that any of us would raise that question. [Laughter.]
Mr. Manager OLMSTED. It is a very proper question to raise when the party using a pass has charged the expense of the transportation to the Government.
The PRESIDING OFFICER. Are there further witnesses?
Mr. Manager OLMSTED. We have some other witnesses on this point, Mr. President, but it develops that they have not yet arrived, though I understand they are on their way here.
Mr. BACON. Mr. President, I understand it is the wish of the managers that they should not be required to proceed further this afternoon; and I therefore move that the Senate, sitting as a court of impeachment, adjourn until the regular hour to-morrow.
The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate, sitting as a court of impeachment, adjourned until to-morrow, Tuesday, February 14, 1905, at 2 o'clock p. m.
The managers on the part of the House of Representatives and the respondent and his counsel thereupon retired from the Chamber.

The PRESIDENT pro tempore resumed the chair.

HOUSE BILL REFERRED.

H. R. 12273. An act authorizing the appointment of certain midshipmen in the United States Navy, was read twice by its title, and referred to the Committee on Naval Affairs.

COURTS IN SOUTHERN DISTRICT OF FLORIDA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4503) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Fernandina, in said district, which was, in line 11, after the word "hereafter," to insert:

Provided, That suitable rooms and accommodations shall be furnished for the holding of said courts at the said place free of expense to the Government of the United States.

Mr. TALIAFERRO. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

TRANSPORTATION OF GASOLINE.

The bill (H. R. 18208) to amend section 4472 of the Revised Statutes so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power, which was read twice by its title.
The PRESIDENT pro tempore. The Senate has passed a bill and sent it to the House of Representatives which is identical with this bill. Is there objection to the present consideration of the House bill?
There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.
The bill was ordered to a third reading, read the third time, and passed.
The PRESIDENT pro tempore. The junior Senator from Maine asks unanimous consent that Senate bill No. 6425, being identical with the bill just passed, be recalled from the House of Representatives. Is there objection? The Chair hears none, and that order is made.
The PRESIDENT pro tempore subsequently said: The Senate to-day passed a bill (H. R. 18208) to amend section 4472 of the Revised Statutes so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power. The Senate also passed a bill identically the same on Saturday and sent it to the other House. To-day the House has also passed Senate bill 6425 on the same subject; so that probably it will be entirely proper to reconsider the vote by which the House bill passed the Senate this morning, and that then the bill be indefinitely postponed. Is there objection?
Mr. ALLISON. I think that ought to be done.
The PRESIDENT pro tempore. The Chair hears no objection, and the House bill will be postponed indefinitely.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, the title of which will be stated.
The SECRETARY. A bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.
Mr. PROCTOR. Mr. President, I ask that the unfinished business may be temporarily laid aside in order that the Senate may proceed with the consideration of the agricultural appropriation bill.
The PRESIDENT pro tempore. The Senator from Vermont asks that the unfinished business be temporarily laid aside in order that the Senate may proceed with the consideration of the agricultural appropriation bill. Is there objection?
There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906.
Mr. PROCTOR. Mr. President, in regard to the amendment offered by the Senator from Georgia [Mr. BACON], however desirable it may be to get the information asked for, it is simply impossible without a complete reorganization of the administration system of the Department for securing these reports. I ask that the Secretary read a letter from the Chief of the Bureau of Statistics, which explains the matter fully.
The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF STATISTICS,
Washington, D. C., February 3, 1905.

SIR: I am directed by the Secretary of Agriculture, who is attending a meeting of the Cabinet, to state to you with reference to the proposed amendment to the bill making appropriations for the Department of Agriculture providing for the issue of cotton-crop reports on the 3d, 10th, 17th, and 25th days of each month, with a summary report at least semiweekly of the information received by the Department as the basis of its periodical estimates of cotton conditions, that it is the earnest desire of the Department to make its crop reports of the utmost service to the agricultural interests of the country, and that it would welcome the opportunity of issuing its cotton and other statistical crop reports with greater frequency than is now practicable. The Department's crop-reporting system is, however, in the main, a voluntary one, and so much difficulty is experienced in securing and retaining a sufficient number of competent persons to report regularly each month on the condition of the crops in their respective localities that to quadruple or even to double the number of reports asked of them would certainly result in the serious and immediate impairment of the service through the wholesale refusals of correspondents to give the additional time and labor involved in the preparation of additional reports unless proper provision were made for their compensation. Such compensation could not be restricted to correspondents in the cotton States, but would have to be extended to correspondents throughout the country.

To issue a weekly cotton report during six months of each year in addition to the monthly report on other agricultural products, paying county correspondents and the correspondents of the Department's state statistical agents the small sum of $1 for each report, and township correspondents 25 cents for each report, with an addition of only twelve persons to the working force of the Bureau in Washington (without which increase of force it would be impossible to tabulate the greatly increased number of schedules), would require the expenditure of $441,000 over and above the amount provided for in the pending bill.

To issue a semimonthly report on cotton in addition to the regular reports on other products, as above referred to, would involve an expenditure, over and above that provided for in the pending bill, of about $363,000. Of this sum only $8,000 would be used for additional clerical salaries in Washington.

With regard to the proposed issue of intervening summary reports during the preparation of the regular reports, I would respectfully state that whether the regular reports are to be issued weekly, biweekly, or monthly, the correspondents' reports upon which they will be based will practically all be received within a period of forty-eight hours, so that the regular report can be prepared just as quickly as a preliminary one.

Very respectfully,

JOHN HYDE, *Chief of Bureau.*

Hon. REDFIELD PROCTOR,
Chairman of the Committee on Agriculture and Forestry,
United States Senate.

P. S.—The scheme for the compensation of correspondents is based on a reduction of their number by 15,000, or nearly one-third. It would be impracticable to reduce it still further. The number of correspondents now reporting regularly is about 47,000.

Mr. PROCTOR. So, Mr. President, it will be seen that it is utterly impossible——

Mr. BACON. Mr. President——

Mr. PROCTOR. If the Senator will wait a moment, I will yield to him.

Mr. BACON. Very well.

Mr. PROCTOR. It will be utterly impossible for the Department to secure this information unless we give it the machinery and money to obtain it.

Mr. BACON. Of course nobody doubts that. That is exactly what we want to get done.

Mr. President, I want to say that, in view of the suggestion as to the expense, I desire to modify the proposed amendment so as to make it conform to the resolution adopted by the convention at New Orleans, which was for semimonthly instead of weekly reports, as I have provided in the amendment. Of course I have no doubt that weekly reports would be more desirable, but in view of the fact that the convention at New Orleans—I presume the largest convention of an agricultural nature that ever was held in the United States, and the membership of which was more generally distributed—asked for semimonthly reports I will change the amendment in that respect so as to read "semimonthly" instead of "weekly."

Mr. MONEY. Mr. President, I had hoped that the honorable chairman of the committee would accept the last amendment, offered by the Senator from Georgia [Mr. BACON]. It conforms to the demand of the cotton convention recently held at New Orleans for semimonthly instead of monthly reports. The letter which was read from the head of the Bureau of Statistics, representing the views of the Secretary of the Department, states that the increased service would cost very much more than I could have expected, for the reason that the sum appropriated by this bill for this Bureau of Statistics in collating all the information and for expenses of different kinds is only $93,000, of which sum $20,000 is for salaries in this city. The men who are paid salaries will have no increase whatever, either in number or in salary, and the voluntary contributors to this great enterprise, it is presumed, will work for nothing just as cheerfully as they have done before. They are repaid in a way that they consider a sufficient compensation. They receive the agricultural books and bulletins to a very great extent—in fact, all that they want—and they consider that they are thereby repaid for the little trouble and time they have in correspondence with the different parts of their counties and neighborhoods. All this work is purely voluntary.

Now, I can see the immense benefit that will arise from a semimonthly instead of a monthly statement of the crops by the Secretary of Agriculture. I was the author of the amendment providing for statistics from the ginneries, changing them from monthly to weekly. I have not seen that it has worked badly, but, on the contrary, it has been of immense benefit to the country, both to the people who produce cotton and to those who afterwards handle it.

The view taken by the honorable Senator from Maine [Mr. HALE] was not, I think, a correct one. I know that my idea in having this weekly statement from the Bureau of the Census was to have two entirely independent sources of information, on which the country could rely by means of a comparison of the two.

Now, suppose we had none of these estimates of the crop from either of these sources. Then we would depend upon the cotton exchanges of New Orleans and other southern cities, of New York and of Liverpool; and very much more than upon them do the buyers of cotton depend upon certain gentlemen here and in Liverpool, who every year make their estimates, going through all the time of the cotton-producing season until the cotton has reached that stage when it begins to be harvested. Upon the report of these gentlemen—Mr. Bostrum, I think, is his name, and Mr. Neill, and Mr. Hester—a great deal more depends, so far as concerns the cotton buyers, than upon the report of either the Secretary of Agriculture or the Census Bureau, because these gentlemen always overestimate it. They are bears on the market, and the buyer finds it to his interest to make himself believe that that is the correct estimate.

So far as concerns the estimates made by the Secretary of Agriculture, he has for the last five or six years come almost exactly to the truth in all his estimates. He has estimated so closely, in fact, that there can be no serious objection as to the matter and manner of the cotton crop report, except that it should be more frequently issued, for reasons that I will not go over, because they were so clearly stated by my friend, the distinguished Senator from Georgia [Mr. BACON]. It is useless to go over the reasons which he has adduced to the Senate.

But, Mr. President, that the increased service can cost so much is very surprising to me, when here in the bill before us we have only $93,000 for a monthly estimate, and that includes $20,000 for salaries in the city of Washington. That sum includes salaries all over the country, and with an improved service we would not have any more men or any higher or different salaries. This amount also includes an allowance for stationery of different kinds. I can not go over the items because I can not see them. But I know they are in the bill. There are provisions for stationery and supplies and dozens of other things which are not really a part of the expense of compiling statistics concerning the production of cotton or anything else, and their promulgation to the public.

As to the expense of the issue, it does not seem to me that any great number of clerks will be required, if any, additional to those now employed upon the work. It is simply making an estimate twice a month instead of once a month, and I can not for the life of me understand where the difficulty lies and where the added expense can possibly come from.

I am entirely in accord with the Secretary of Agriculture, as he knows. I do not believe we have ever had in that place a man his equal for intelligence and activity, and particularly for zeal and economy. The only fault I have to find with that gentleman, who has so few official faults, is that he is so economical. He is not willing to call upon Congress for the amount he could use for the good of the whole country.

I do not know that the planter loses anything particularly by having the truth known about the crop. I think if he could know at the end of every two weeks what the crop would be, he would be able to do what he ought to do, and that is to sell as fast as he gets his crop out of the ginhouse. Whenever a farmer begins to hold cotton for future advance, he ceases to be a farmer and becomes a cotton speculator; in other words, a gambler. I do not propose that anything shall be done here for the benefit of the mere speculator.

I would not care if every speculator were financially ruined, so as to discourage the whole of them, for they have been the fruitful source of these variations in the market which have ruined so many of the people of the South. It has not been the condition of the crop. It has not been the ultimate estimate. It has been the ups and downs of the quotations on cotton, manipulated by the bulls and bears for their own speculative profit. They have had no concern or care for the cotton producers of the country.

It is useless to talk about the magnitude of this interest.

We see very much smaller interests cared for in a very much more generous manner than this is provided for here, and it is impossible to overestimate the value of the knowledge that is developed as the crop proceeds. The cotton crop is the longest crop known. There is a common saying in the South that it is thirteen months in the year. I happen to have received from my manager once a statement in which the entry was made "for fourteen months' service" in the crop of a certain year. That was the way he stated the demand. It was perfectly correct, and he chose to put it that way.

But, Mr. President, I do not believe that the holding of cotton is so much dependent upon the reports as upon the knowledge the farmers themselves have, and I want to say there is not a farmer in the country who produces cotton who can tell six weeks ahead what it is going to do. I recollect an instance, if you will allow me to go into a little personal detail. I came from the Rocky Mountains about the 1st of September. The first thing I did was to telephone to my place and ask the gentleman to come out, and he came out and said he was not going to make anything; that the excessive drought and the great heat for ten days had produced a greater falling off of young bolls and flowers than he had ever known to happen in a whole season before. In fact, within a period of ten days such a change had occurred that he could hardly say he had any crop. But after that cotton improved, and it continued to improve, so that it was impossible for him to pick the crop that had been raised.

There was a man who was accustomed to the production of cotton, and I will say that that experience was general throughout my State. In September we thought we had no crop, and in October we thought we had a good one. In November we thought we had a magnificent crop, and in December we knew that we had the biggest crop that we had ever raised or that the world had ever raised.

So, Mr. President, the estimates that are made can not be made too often to be satisfactory to the public and to the producer of cotton. But semimonthly seems to be the frequency which the cotton convention at New Orleans has accepted as most beneficial to everybody concerned. I do not include speculators, for I do not suppose anybody has any concern whatever for them. I know I have not. I am very glad my friend the Senator from Georgia has reduced his amendment from weekly to semimonthly.

I hope the chairman will accept the amendment, and if the increased service does cost a little, it can not possibly approach the estimate made in the letter recently read, which was calculated on the basis of a weekly report. I know there will not be any greater number of salaried officers, and the people who are employed will not resign because they have to report any oftener. As a matter of fact, they report once a week, and they will be called upon to do no more work than they are doing, and I can not understand, except as to the mere work of tabulation and printing here, how the expense can be any greater at all.

I am very sorry that I could not have been present at the time when this matter was brought up in the committee, of which I have the honor to be a member, but it happened that at that particular time I was suffering with a very severe attack of neuralgia for several days, and I could not attend the meetings; but I did authorize the honorable chairman, in whom I have the greatest confidence, to sign my name, if necessary, to his report, if he had any to make. However, the committee acted with entire unanimity, which is usual with it, arising partly out of our confidence in the chairman and partly out of our confidence in the Secretary of Agriculture.

I wish to say further that I believe the Secretary means all he says, but I do not understand how it can be as he states it, because there is one thing sure: There will be no increase in salaries here. There will be no increase in all these items about supplies and stationery, and there will be no increase in the number of voluntary reports made once a week upon postal cards. The paid people are very few, and their salaries are about $600 a year, on the average, and their work is not very great, but it requires a great deal of care in the compilation of the different cards that come in. The county reporters have no salaries whatever.

I again express the hope that the honorable chairman will accept the amendment. It has been said here once or twice that it is the unanimous request of the people engaged in the production of cotton. They met in large numbers in New Orleans, and they were not simply the cotton planters and the cotton farmers, but they were the bankers and the lawyers and other people interested in the whole of that great community embraced in the cotton belt; and they know what they are talking about. They are asking for something that will be of very material benefit to them, and which will entail very small cost on the Government. As my friend the Senator from Georgia remarked, the South gets very little from the public Treasury. We have no pensions worth talking about. What the Government pays for pensions goes North. We have nothing that is protected particularly, except lumber, perhaps. There is nothing that can protect cotton, because we raise more than all the rest of the world together. There has been a small attempt to protect the finer grades by putting a duty upon the importation of Egyptian cotton, which far surpasses ours in length and fineness of its fiber. But I, for one, opposed that motion, and argued against it in my State; and there were people there who were very anxious to see it become a law. I opposed a protective duty on it, for I did not see how it would do any particular benefit to anybody, except perhaps a few importers.

Mr. PROCTOR. Mr. President, I should be very glad to see everything done in the way of statistics with respect to this important product for the benefit of the producer; but it seems to me very clear that to do this in the right way there should be a hearing before the committee, of the cotton producers, to show its importance and of the officials of the Department of Agriculture as to the machinery requisite for carrying it out.

As glad as I would be to accommodate Senators who are interested in this matter, I think it would be a violation of my duty to the bill and to the Department to accept the amendment. I wish to read a sentence——

Mr. MONEY. Will the Senator from Vermont allow me for a moment?

Mr. PROCTOR. Certainly.

Mr. MONEY. If the Senator will permit me to interrupt him, I desire to state that he is hearing now from the cotton producers.

Mr. PROCTOR. I wish to read from the letter of the Chief of the Bureau:

> To issue a semimonthly report on cotton, in addition to the regular reports on other products, as above referred to, would involve an expenditure, over and above that provided for in the pending bill, of about $363,000. Of this sum only $8,000 would be used for additional clerical salaries in Washington.

There is no estimate for this amendment. There has been no consideration of it by the committee or by the Department. For that reason I hope the amendment will not be adopted.

Mr. CLAY. Mr. President, I shall not take more than a minute of time. I am fully aware of the fact that the chairman of the committee is exceedingly anxious to get through with this bill, and I do not want to throw a pebble in his way. I am further aware of the fact that many people in my State have been of opinion that these reports ought not to be made at all; but I think that is an incorrect position. The idea has prevailed to some extent that reports as to how much cotton was planted and how it was growing were matters that ought not to be dealt with by the Government; but one thing certain—whatever information is furnished ought to be absolutely correct. We know now that private buyers, such as the British buyers, have agents in the country who are estimating the amount of cotton planted each year and who are watching through the season the progress the plant is making. The reports they make in every instance enlarge the crop, make it larger than the actual crop will be, and it is absolutely essential that the Government shall furnish an accurate and correct report to offset these misleading reports. It is true that Mr. Neill's report was found to be incorrect, and the Agricultual Department demonstrated that fact.

I exceedingly regret that the chairman of the committee will not accept the amendment. I want to say to him that I have seen in my State in fifteen or twenty days the cotton crop change 25 or 30 per cent. You take a drought of ten days or two weeks and the crop will be injured or damaged 15 or 20 or 25 per cent. A report made every fifteen days will be more accurate and correct and be of great benefit to those engaged in producing cotton. If we are going to have these reports at all, they ought to be made often, and they ought to be accurate, so as to keep up with the changes in the seasons. I think the amendment offered by my colleague is a proper one and that it ought to be adopted.

Mr. President, I hope if the chairman of the committee can accept it he will consent to do so. What is $300,000 to a crop of this importance? You take corn, wheat, and cotton, and they are the most important articles we produce. I hope the chairman will allow this amendment to prevail. If it does not prevail now, I feel sure it will hereafter.

Mr. BACON. Mr. President, I wish to say, in the first place, I do not see how it is possible that the figures of the Agricultural Department can be correct; and I trust the Senator from Vermont will enlighten us upon that point. Here is the entire appropriation for the Bureau of Statistics for this purpose, and,

as stated by the Senator from Mississippi [Mr. MONEY], it is $93,000. We now have a monthly report, and the entire expense, not only as to cotton, but as to all of the crops, if the Senator from Mississippi is correct, and he is on the committee, is only $93,000. How that can be converted into an additional expense of over $300,000 by simply having one other report a month with the same machinery already in hand, it is impossible for me to see, and I do not think it is possible.

Of the three hundred thousand and odd dollars which the Department estimates, only $8,000 is for increased clerical force here, and the balance of over three hundred thousand it is estimated will be the additional expense, when now we get a monthly report, not only of cotton, but as to all other crops in the country, at only $93,000.

Mr. PROCTOR. Will the Senator yield the floor?

Mr. BACON. I will for the present. I have something more to say, but I should like to hear the Senator on this point.

Mr. PROCTOR. Answering the Senator's inquiry, I will read from the report of the Chief of the Bureau:

The Department's crop-reporting system is, however, in the main a voluntary one, and so much difficulty is experienced in securing and retaining a sufficient number of competent persons to report regularly each month on the condition of the crops in their respective localities that to quadruple or even to double the number of reports asked of them would certainly result in the serious and immediate impairment of the service through the wholesale refusals of correspondents to give the additional time and labor involved in the preparation of additional reports unless proper provision were made for their compensation.

It would lead, in the opinion of the Department, and I believe they are correct, to a system of paid reports, which would add several hundred thousand dollars to the expense. Now, if the Senate is prepared to vote the additional amount I have no objection.

Mr. BACON. I certainly am so prepared.

Mr. PROCTOR. But I do not feel that I would do right if I failed to object to the amendment and to take the deliberate sense of the Senate upon it.

Mr. CLAY. Will the Senator from Vermont permit me to ask him a question?

Mr. PROCTOR. Certainly.

Mr. CLAY. Is it not true that the correspondents who send in the monthly reports are not paid anything?

Mr. PROCTOR. Some of them are paid a trifle—25 cents for a report.

Mr. CLAY. The expense now, where they send in monthly reports, amounts to scarcely anything. Is it not true that the same reports would be made twice a month without any extra cost?

Mr. PROCTOR. The statistics are not confined to cotton. They embrace many other articles—in fact, all the leading crops of the country. But if a system of paid reports is once adopted, it would have to be applied to all crop reports, of course. Parties would immediately refuse to furnish them without compensation, and if one section of the country was receiving such service all would want it, and would be sure to get it in the end.

Mr. BACON. Mr. President, I desire not only the Senator from Vermont, but the country, to see how absolutely baseless this calculation is on the part of the Agricultural Department, and I read now from page 54 the provision in reference to the collection of agricultural statistics:

Collecting agricultural statistics: General expenses, Bureau of Statistics: Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscription to, and purchase of, statistical and newspaper publications containing data for permanent comparative records; maps and charts, stationery, office supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, office fixtures, telegraph and telephone services, freight and express charges, including employment of labor in the city of Washington and elsewhere, actual and necessary traveling expenses: *Provided*, That the monthly crop reports issued on the 3d and 10th days of each month shall embrace statements of the conditions of the crops by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published, $93,900, of which not more than $20,000 shall be expended for salaries in the city of Washington, D. C.

Mr. President, there is an appropriation which covers the entire system of crop statistical reports, of which the cotton crop is only a part, and the entire expense under the present system is only $93,900, and now when we propose, in compliance with the request of a representative convention of cotton planters in New Orleans, that instead of this report being made on the third of the month only it shall be made on the third and at another date during the month, say the seventeenth, when we propose that in the face of this confession, and not simply a confession, but a direct representation on the part of the Department, that $93,000 is sufficient to get reports from all the agricultural interests once a month, we are told that to get it twice a month will add over $300,000 to the expense.

If the Senator will pardon the expression and not take it to himself, the proposition is an absolute absurdity. No mathematics can possibly be figured out which will justify it or support it.

The only pretense or suggestion of an explanation why there should be any such claim is that, forsooth, while now it is a voluntary service, if it is asked to be made semimonthly it will be a paid service. Where is the evidence that it will be required to be a paid service? Why can not Congress go ahead and let the Secretary of Agriculture undertake it with the same assistance that he now has? When he is unable to do it, it will be time enough for him to say to Congress "I made the effort and I failed." There has not been a suggestion that he could not get the same information semimonthly that he now gets monthly, except from the Department itself, and no evidence is furnished and no representation is made that the Department has ever made the effort and found that such would necessarily be the result.

Mr. President, I speak earnestly about this matter because in the face of this opposition by the Department of Agriculture, I want the Senate for a moment to consider it. Has there ever, since the Government undertook the matter of assisting the agricultural interests of the country through the methods of the Agricultural Department, been a time when so large an interest, in so earnest a manner as is found in the action of the convention at New Orleans, came to the Congress of the United States asking for something which it said was of such vital importance to it, and upon such untenable grounds as are here suggested it met with a refusal on the part of Congress? I desire for Senators just for a moment to think. The wheat crop, so far as its export value is concerned or its money-bringing properties from abroad are concerned, is not equal to one-half the cotton crop.

Suppose the wheat growers of this country had met in a convention, represented by delegates from all the wheat-growing sections of the United States, and had solemnly said to Congress they wanted a semimonthly report, and that such semimonthly report was necessary to protect them from great loss, would any man hesitate for a moment in the conclusion that their request would meet with the most prompt compliance on the part of Congress? It would be the rankest injustice to deny to the cotton planters the relief and assistance which under similar circumstances would be so certainly granted to the wheat growers. There are no people engaged in industrial pursuits who are entitled to greater consideration by the Government than the cotton planters.

Mr. BAILEY. Will the Senator from Georgia permit me to ask him a question?

Mr. BACON. Certainly.

Mr. BAILEY. The difficulty, in my mind, about the matter is this: These reports, during the growth of the crop and before it is beginning to find the market, are purely, it seems to me, a matter in which the gamblers only are interested. If it cost $500,000 to procure and properly disseminate the information, I would not stop to count the cost, because I would believe it money well spent. But the trouble is that until the farmer begins to pick the cotton it can not possibly affect either what he receives for what he makes, or how much he makes, whether the condition is bad or good.

I may not take in the whole question, and I may be at fault on that, but it seems to me that up until the farmer begins to move the crop from the ginhouse to the market town and sell it, it is not of very great consequence to him what the condition of the crop is.

Mr. BACON. The Senator is to a certain degree correct, and if he had been here this morning at the immediate moment when it was under discussion he would know that that ground had been gone over.

Mr. BAILEY. I was entertaining one of my constituents.

Mr. BACON. I have no doubt the Senator was properly engaged. I make no challenge or question upon that, but I made this statement: I went through the subject in a somewhat general way, to show there were a great many other people interested in the question than the cotton planters; that the cotton spinners were; that they had to make their arrangements, etc.

I said, so far as the cotton planters were concerned, if the Department were unwilling and thought it would be a great additional expense to spread it over the entire time, I would be willing that this appropriation should be limited to the time beginning about when the cotton begins to mature up to the time when finally disposed of. I had recognized the correctness of the suggestion of the Senator from Texas, and I still say that, but if the Senator from Vermont will say that a modification to that extent will then present an amendment acceptable to him—while I do not wish to cut off a report which would extend over a greater length of time—I am willing, if better can not be done, that the report shall begin in August and end in January or February.

Mr. MORGAN. You do not want it after September?

Mr. BACON. Oh, yes; we want it up to February.

Mr. BAILEY. Because it changes rapidly in September and October. My opinion is, if the Senator will indulge me just a moment, that while it is true, as suggested by the Senator's colleague, that individual interests and speculators in this and other countries do try to keep themselves informed about the cotton crop, we are not trying to provide information for those abroad, although we would provide it for those here who are our own citizens, and are entitled to know as much about what they are to buy as other people about what they have to sell.

But neither the buyer nor the seller—those who sell in contemplation of actually delivering and those who buy in contemplation of actually receiving—are seriously affected by these kaleidoscopic changes up to the time the crop begins to move toward the market. By the 1st of August they begin to make their contracts, and then I think that if it would cost $500,000 to secure the information we ought to have it; but I do not care to spend the money until we reach the time when it becomes desirable for the purchaser and the seller to know what are the conditions.

Mr. CLAY. Will the Senator from Texas permit me to ask him a question?

Mr. BAILEY. Certainly.

Mr. CLAY. I ask the Senator if it is not true that private parties interested in the purchase of cotton both abroad and at home are constantly making inquiry and have agents at work finding out the amount of cotton that is planted, how it is cultivated, and the season, and if they send out information which is incorrect, giving a larger amount than is really planted and better conditions than exist, will not that incorrect information unduly lower the price of cotton and be an injustice to the planter?

Mr. BAILEY. No; provided that when the crop begins to move both sides are fully and fairly advised as to the condition then. But the Senator states a condition which might make this information important at all times, but it is a condition under which we would not market the entire crop within ninety days or four months. If we ever reach a time that we market it from month to month throughout the entire year, as the demands of the trade seem to call for, then it will be of great interest to the cotton grower to know in April or in June or July what the probable acreage and condition is. But until conditions and methods have changed most radically we will not help the cotton growers of the South by encouraging them to hold their cotton, because an examination of prices will show that the farmers of this country would have been better off in the last thirty years if they had hauled their cotton from the gin to the market at once and sold it the next day after it had been ginned.

Mr. CLAY. I think that is true.

Mr. BAILEY. Therefore I am really not seeking a way to encourage them to hold their cotton. However, I only rose really to agree with the Senator from Georgia and to suggest that he might pretermit the intermediate months, if the chairman of the committee would agree to give us money enough through August, September, and October to fairly inform ourselves. The truth of it is, if these three months will be given us then the ginners' reports, which are now provided by law to be made every two weeks——

Mr. CLAY. Is that the law?

Mr. BAILEY. Yes; that is the law. It was made so within the last two weeks.

Mr. CLAY. Has it passed?

Mr. BAILEY. Yes; it has passed both Houses. If we can get the information the Senator from Georgia so properly and so forcibly calls for through August, September, and October, the ginners' reports will answer reasonably well for November and December.

Mr. BERRY. The semimonthly reports would remain in those months as they now are?

Mr. BAILEY. The law now provides for semimonthly reports.

Mr. BACON. No.

Mr. BERRY. Ginners' reports.

Mr. BAILEY. I mean ginners' reports.

Mr. BERRY. If the Senator will permit me, what I mean is that under the present arrangement they now make monthly reports for all the months.

Mr. BAILEY. Yes.

Mr. BERRY. My suggestion was whether that would remain for the months you specify and we would still have the semimonthly reports.

Mr. BAILEY. That is correct. The reason why I say the ginners' reports will suffice for November and December is that there is absolutely no condition which affects the extent of production after the 1st of November except the rain, which prevents the picking of it.

Mr. BACON. And the frost.

Mr. BAILEY. No; the frost in no part of it ever seriously interferes much after the 1st of November. Perhaps I ought to qualify that. It would be true in our part of the country, but in the farther South it would not be exactly true.

Mr. BACON. No.

Mr. BAILEY. However, I am sure as to the ginners' reports for November and December. I yield that to the Senator from Georgia, who expresses his dissent, and I accept his judgment on it. So I will insist, then, that we have August, September, October, and November.

Mr. BACON. And December.

Mr. BAILEY. I will be glad to include December, and if the Senator will give us four months, that will be a fair compromise.

Mr. BACON. We want the five months.

Mr. BAILEY. If we can get them——

Mr. PROCTOR. Mr. President——

Mr. BACON. Mr. President, I have not yielded the floor, although I did yield for a time.

Mr. PROCTOR. Will the Senator yield to me for a moment?

Mr. BACON. If the Senator is going to accept the amendment, I will yield to him with pleasure.

Mr. PROCTOR. I would be glad that this great interest should have all the money they really need. My objection to it is what the discussion by the Senators from the cotton States shows, that the matter has not been considered so that even its friends know just what is wanted.

Mr. BACON. It has been considered.

Mr. PROCTOR. My objection to it was that there was no estimate from the Department, it was not brought up before the committee, and I never heard a word of it until it appeared here on the floor as an amendment calling for an expenditure of several hundred thousand dollars a year.

Now, if it will pacify all the Senators on the other side I will accept an amendment providing for bimonthly reports for the months of August, September, October, and November, and will be ready to add to the appropriation.

Mr. BACON. When the Senator comes so near I hope he will not halt at that point. The convention at New Orleans was the best judge of that.

I have had it suggested to me that it ought to go even as far as February. The Senator from Texas represents a cotton belt that is a good deal farther south than ours.

Mr. BAILEY. I represent, in part, the whole State of Texas, and the southern part of it is farther south than Georgia.

Mr. BACON. A good part of the middle of it.

Mr. BAILEY. Yes.

Mr. PROCTOR. I think the Senator ought to be satisfied with that, because if the system is once adopted there is no question but that you will have reports covering all the time that you really need.

Mr. BACON. Very well, I will then modify the amendment so as to make it a report on the 3d and 17th of each month for those five months.

Mr. ALLISON. I hope the amendment will be read.

Mr. MONEY. If the Senator from Georgia will allow me, that is not what the people of the South want.

Mr. BACON. I will withhold it. The Senator from Mississippi wishes to be heard.

Mr. MONEY. That is not what the people of the South want. If there is anybody who can express any knowledge or any interest upon this subject it is the people who assembled in the cotton convention at New Orleans. They represented every part of the cotton-producing belt of this country, and what they asked for is the amendment offered by the Senator from Georgia.

I can not agree with the distinguished chairman of the committee that if this increased the service it would make it necessarily a pay service, not a voluntary one, nor do I subscribe in the least degree to his opinion that that is the only way to secure accurate statistics. On the contrary, it has proven to be the very worst way. I can take the data for the last six years, and the estimate of the Agricultural Department based upon voluntary service is more accurate than any bureau of statistics in this city. It has gone steadily with the crop and been verified in every instance by the ultimate result. It is more accurate than the Bureau of Statistics of the Treasury Department, and it is more accurate than the Bureau of Statistics of the Department of Commerce and Labor.

I have had occasion to go very thoroughly into the paid statistical bureaus of the United States, and I will add also the Census Bureau, and not one of them is worth five cents. I would

not give a cent for any bureau of statistics that belongs to this Government that would depend upon paid service. If we go by the result, the work of the Department of Agriculture, based upon the voluntary service, will never be discontinued. That will call for very small additions, if any, to the demand of the cotton convention, and it has proven accurate all the time.

Mr. President, we have had the suppression of whole volumes of bulletins of the costliest sort because they did not happen to suit party interests. I have seen statistics from the Bureau of the Treasury Department that are absolutely erroneous and they were utterly worthless. For instance, there was a showing that we sold to France in a certain year $600,000 worth of goods, when the Swiss bureau of statistics showed they had bought from us fifteen and one-half million dollars' worth of goods. You can not send to-day to the Bureau of Statistics of the Treasury Department and get information that is worth five cents. I sent to that Bureau three different letters to know the output of precious metals of the world, and I got a page or two out of the printed abstract and a letter showing me what was produced in the United States for two or three years. I directed three separate letters, all identical in phrase, to the Director of the Mint and the Comptroller of the Currency upon the same ground.

I never received an answer to either one of them, and presume they did not answer because they did not know anything about it, although it was a matter that belonged particularly to them. So there is not a paid bureau in this city that has compared in the accuracy of its work with this of the Department of Agriculture, that is based purely upon voluntary service, which voluntary service we have no reason to believe will be discontinued.

They are not likely to discontinue the service, because they are all written on postal cards, and those cards are utilized to make a separate report instead of a monthly report.

This is what the cotton people ask for. They are not represented here particularly by Senators, but they were represented at the convention at New Orleans. The people engaged in the production of the cotton and those whose trades and professions live on the cotton producers met together, and they said what they believed is necessary for the investigation of matters concerning the cotton crop.

I have just illustrated how the cotton crop of this past year, which was thought to be in September absolutely of no account at all, became the greatest cotton crop ever known and ever raised in the world. I have seen the reverse of that.

Now, these statistics are made not to juggle with, of course; they are not made in the interest of the bear or the bull. These are the reports made by private concerns or the cotton exchanges. One of these cotton exchanges is rather bullish and the others are bears all the way down. All private reports are bear reports.

We come here with the reports of the Bureau of Statistics and the report of the Secretary of Agriculture, utterly independent official sources of information, and between the two not only the farmer but the man interested in making the cotton goods or in buying especially for that concern can between the two find a safe basis. As far as the Bureau of the Department of Agriculture is concerned its reports have been absolutely reliable. As a matter of fact, they have a little underestimated every time, but they have come nearer the truth than any guessing man in the country or than any cotton exchange or any professional estimater of the cotton crop. Neill, Bostrom, Ellington, Hester, or no one else has ever done so good and accurate work as the Department of Agriculture, all of whose work is based purely upon the voluntary work of other people scattered throughout the cotton belt.

I can not believe, therefore, with the honorable chairman that it will very materially increase the expense. I hope the honorable chairman will find that the men who represent the cotton country are really in earnest about so small a matter as this, because this has been a time of great agitation and monetary commotion in the South.

The South to-day is very prosperous. Three States were picked out by the Secretary of the Agricultural Department and the figures sent abroad to show the prosperity of the whole country. They took the three most prosperous States, and the evidence of prosperity was displayed by the deposits in banks. The State of Kansas had about ninety-three, Iowa, the next, one hundred and twenty-six, and Mississippi had three hundred and sixty-seven, by long odds the most prosperous State in the Union, according to the standard fixed by the Secretary of the Department of Agriculture.

I can also say that the people of the South are not in distress about this matter at all, but it is a matter for the future as well as for the present. A few bales of cotton were foolishly burned; other cotton is being foolishly, in my opinion, held, but they have decreased the area of production. In some sections they decrease the use of fertilizers. That is unwise. But nevertheless I believe the State of Mississippi and the cotton States generally stand to-day more at the head than ever before in their lives, with more money in cash than they ever had before in their lives, with greater deposits in the banks and greater earnings in the banks than they ever had before, with more teams and beter ones than they ever had before, and with almost two years' supply of corn on hand of their own product, and therefore more meat, the thing that goes to sustain the plantation.

We never were in better condition than we are to-day, but that is not any reason why there should not be some means established to have as correctly accurate as possible the estimates made of future production of the crop. If they show a decrease in the area of the production of cotton of 35 per cent, then let us have a report that is reliable. We consider that these reports are unreliable. I believe also the general report as published by the Department of Commerce and Labor to be fairly accurate as reported; yet notwithstanding this will come twice a month and it will be just twice as good, because it is hard to estimate what may happen in thirty days with a cotton crop. I speak from the experience of a man who has been raising cotton all his life. I was born on a cotton plantation and I have done nothing else except to practice law for a little while.

Now, that is what the cotton-producing people want, and they have defined their wants so clearly that there can be no mistake. I think the Senate will make a mistake if it does not yield to the wishes of so great a mass of people so ably represented as they were at the cotton convention in New Orleans.

It may be a foolish expenditure of money, but that man is a statesman who loves to learn to please the people. He is not a demagogue at all, except in some tricks that are not worthy of mention here. It is also the highest art of statesmanship to make the citizen love his country. This is one of the ways you can do it. Show the great mass of the people who are asking for an appropriation here that not their demands but their requests ought to be acceded to. I will not put it in the imperative mood, but it is their request that it shall be done. They understand what they want, and they can not understand, to save their lives, why there should be higgling about a few dollars more of expense in order to have their views carried out, and that is to have these reports made until the 1st of January and semimonthly.

Mr. ALLISON. Mr. President, the question of the statistics of cotton production is not an absolutely new one to the Senate. For one I am willing to provide in the bill whatever money is thought to be necessary to reach a practicable conclusion from time to time as to the amount of cotton in progress of production from year to year, as I shall be glad to do as respects other crops.

It may be that I do not fully understand the provisions as they are in the bill and the additional provision that is proposed to be added. I understand the bill now proposes that the Secretary of Agriculture shall secure and publish information every month of the year as to the general condition of the crops of the country. This embraces not only the cotton crop, but also the corn crop, the wheat crop, and other cereal crops throughout the country. I am sure that is of great advantage to the farmers of the country. It is of advantage to a producer of corn in my State, for example, to know that the total acreage of corn planted is greater or less than it was last year. That gives him some little indication as to what his crop is to be worth. Of course there intervene sunshine and rain, frosts, extreme heat, etc., all having an effect upon the crops that he produces. I think the Secretary of Agriculture, through this Bureau of his, furnishes from time to time very valuable information upon all these subjects, and I am sure what I have said applies to the production of cotton.

Now, I understand the Senator from Georgia [Mr. BACON] proposes that as to the particular crop of cotton there shall be instead of a monthly report a semimonthly report for ten months of the year.

Mr. BACON. I would prefer ten months, but I have agreed to a compromise of five.

Mr. ALLISON. I was speaking of the amendment as it stands. I am very glad to hear from the Senator from Georgia that he is willing to narrow the semimonthly report down to five months, beginning during the month of August. I think that is wise. I believe any further reports would be practically unnecessary, because after all the farmers in the South and in the North are not specially interested in the intervening months, where the people are selling cotton, corn, or wheat, as they are selling these agricultural products on the market every day in

the year. I can buy corn or wheat any day in Chicago, whether there is sunshine or rain or frost or what not. There are speculators there who are ready to sell and speculators who are ready to buy. That is true of the cotton crop, not only in our own country, but I presume it is largely true in London and Liverpool, where cotton is dealt in every day.

It seems to me that if the first monthly report will show the acreage of the cotton crop it will show about how much cotton is planted for this year, and that can be compared with last year. If it fails to show that acreage, certainly report for the second month will take up that question and provide the additional acreage. So after the acreage is ascertained every producer of cotton will know what he has to meet in that respect.

We have a Weather Bureau, which gives every day information throughout all portions of the country of the condition of the weather. Whether it be sunshine or rain, the farmers in the South have reasonable access to these daily reports, not only where cotton is produced in the South, but in any other section where it is produced. Thus it seems to me that these monthly reports will be sufficient to ascertain the situation of the cotton crop until the month of August. Not being familiar with the question, I would suppose that it would be sufficient up to the month of September, but I will yield to the better opportunities for information and to the greater knowledge of the Senator from Georgia [Mr. BACON] on that subject. When, however, that season should come, and probably it would be August, we should want a little fuller opportunity to know the crop situation. So I was about to suggest to the honorable Senator that he so frame the amendment as to provide for semimonthly bulletins of information for the months of August, September, October, and November.

Mr. BACON. If the Senator will pardon me, I wish to make a suggestion right there.

Mr. ALLISON. Very well.

Mr. BACON. I am quite sure that I am correct about the December feature, and I will give the reason, so that the Senator may use it. These reports are based, in part, upon the estimate of the reports as to the proportion of cotton that has been taken, and there is a very large proportion of the cotton that is not taken until during the month of December. Therefore, I say that the estimate for the month of December is very important; and I hope the Senator will add that to the proposition.

Mr. ALLISON. That may be true, but I want to call the Senator's attention to the fact that three or four years ago, when the census bill was pending, we put into it a provision that the Census Bureau should also take the statistics of the cotton production as derived from the ginners, so that the moment the cotton is ginned that moment the Census Bureau picks up this information and publishes semimonthly reports of the amount of cotton ginned.

It seems to me with the information now furnished we have done fairly well for the cotton producers. Although I should be glad to yield, as other Senators seem inclined to yield, deference to the cotton convention recently held at New Orleans, I think they ought to be satisfied with what we have already done. If we go forward experimentally and give them during four or five months all they want us to give them for ten months, I think they ought to be satisfied.

I am willing, if the Senator from Vermont [Mr. PROCTOR] will agree to accept that suggestion, that that shall be done, though it is perfectly apparent that a point of order would rule out this amendment. The appropriation has not been estimated for, and it is not within the line of an appropriation bill.

Mr. BAILEY. Mr. President, a moment ago, when I ventured to interpose, it was without having thought about the matter any more in the hope of reaching an accommodation between the Senator from Georgia [Mr. BACON] and the honorable chairman of the Committee on Agriculture, but the more I think about it, the more I am persuaded that it is not important to increase the frequency, especially when to do so would increase the cost of this service up to the 1st of August. My opinion to that effect is based upon considerations which will be readily understood by those familiar with the cotton crop. In April the cotton may be in an excellent condition; but if May is a very dry month it then seriously deteriorates. June may happen to be a more favorable month, and then it goes back to the excellent condition reported for April; if July happens to be a bad month, another adverse report is made. But the people who actually consume the cotton, and the people who actually produce it, are not much affected by these varying reports until they reach the time when the man who has made it brings it to town and the man who uses it begins to buy it. The only effect of these intermediate reports is to confuse the speculators. The Senator from Iowa, whose portion of the country is one of our greatest cornfields, knows that what I recite about the varying conditions of the cotton crop is measurably true also as to the corn crop and all the other great crops of this country.

Mr. ALLISON. It is.

Mr. BAILEY. Now, the important thing is that the man who has made the crop to sell should know, when the time comes for selling, what the condition is, and the man who must buy it to keep the wheels of his factory in motion must know how much there is of it to supply his wants. I believe the Government acts wisely in providing that information.

I regret that I can not agree with the Senator from Mississippi [Mr. MONEY], that because the convention at New Orleans asks for unnecessary reports therefore Congress should provide for them. It often happens that in these great conventions they ask for more than they expect upon the ground that the estimates will be reduced, just as some of the Departments of the Government do of Congress; but even if they did not expect their estimates to be reduced I am satisfied that the most reasonable of them will see when we have taken care of those months during which the crop is moving, and therefore the condition is most important both as to the buyer and the seller, we have done all that ought to be expected of us.

I shall be glad to see an agreement reached. I do not agree that December is anything like so important as August, September, October, and November, though, of course, it is the most important month of the year outside of those. My own opinion is that with the condition of the crop known up to the 3d of December, and with a semimonthly ginners' report, nobody can go very far astray as to the cotton crop of the country.

Mr. PROCTOR. Mr. President, hoping to meet the views of all in this matter, I submit an amendment to be inserted after the words "United States," in line 19 on page 54.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 19 on page 54, after the words "United States," it is proposed to insert "and in the case of cotton crop reports issued on the third and seventeenth days of each month, beginning with the month of August and extending to and including the month of December next succeeding."

Mr. BACON. Mr. President, that modification of my amendment I am satisfied with for the present, at least, until we see how it works. I think that is certainly a very material advance, and it may be that it is as far as experience will show we should go.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Vermont [Mr. PROCTOR].

The amendment was agreed to.

Mr. PROCTOR. Mr. President, I am entirely in the dark as to what amount should be added to the appropriation on account of the amendments which have been made; but it is not necessary to go too far. I would suggest that $50,000 be added to the appropriation in line 23 on page 54. So I will move to amend, in line 23 on that page, by striking out "ninety-three thousand nine hundred dollars" and inserting "one hundred and forty-three thousand nine hundred dollars."

The amendment was agreed to.

Mr. PROCTOR. On page 55, line 14, the total for the Bureau of Statistics should be changed from $196,460 to $246,460. I move that amendment.

The amendment was agreed to.

Mr. PROCTOR. On page 64, line 5, the total for the Department of Agriculture as the bill has been amended is $6,787,170. I move to amend by making the total $6,837,590. That is adding $50,000.

The PRESIDENT pro tempore. That can be done by unanimous consent. Is there objection? The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEYBURN. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 36, line 23, after the name "South Dakota," it is proposed to insert "and the forest reserves in Idaho."

Mr. HEYBURN. I hope the chairman of the committee will accept that amendment.

Mr. PROCTOR. I accept the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. HANSBROUGH. Mr. President, I offer an amendment, which I send to the desk, to come in at the end of the bill, on page 65.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 65, at the end of the bill, it is proposed to add:

That paragraph 234 of the act of July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States," was not intended and shall not be held to be affected by the provisions of section 30 of said act.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. ALLISON. I think that amendment ought to be explained, so that we may know what it is.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. ALLISON. I hope the Senator from North Dakota will make some explanation of the amendment.

Mr. HANSBROUGH. Mr. President, I should be very glad to accommodate the Senator from Iowa, but he is very familiar with the subject, and it is rather late to begin a discussion of this kind——

Mr. SPOONER. What is the amendment about?

Mr. HANSBROUGH. This amendment——

Mr. SPOONER. Does the Senator intend to indulge in an elaborate discussion of this matter?

Mr. HANSBROUGH. I rarely do such a thing, Mr. President. I will not take many minutes to explain it, but it may give rise to debate in another direction. If it is agreeable, however, I will go on and make a statement as to the purpose of the amendment.

Mr. PROCTOR. Mr. President, I hope we shall continue with the consideration of the bill. There seems to be very little more of it, and I hope the Senate will stay until we can complete it. We have had agriculture for a long time, and I think the Senate will be glad to change to something else.

Mr. KEAN. There is no better pursuit than that of agriculture.

Mr. HANSBROUGH. Mr. President, the purpose of this amendment is to declare the intent of Congress when it enacted into what is known as the Dingley tariff law paragraph 234, which declares that on all imports of wheat a duty of 25 cents per bushel shall be paid. The same provision was in what was known as the McKinley law; indeed, it appeared in that measure for the first time. It was afterwards, with slight modifications, copied in what was known as the Wilson-Gorman law. In that act of 1894 it is provided that the duty on importations of wheat shall be 20 per cent ad valorem. So, Mr. President, this is not a party question, because both parties in enacting these several tariff laws have declared in favor of the duty on wheat. In the three bills which I have mentioned there also appeared what is known as the drawback provision.

Mr. GORMAN. Mr. President, I know the amendment the Senator has offered is an important one. The hour is late, the Senate is thin, and I suggest that it is time to go into executive session or to adjourn. We can take up this matter in the morning, when the Senator will have the opportunity to bring it before the Senate.

Mr. HANSBROUGH. I should prefer to take it up in the morning, if that is agreeable, but I am following the suggestion of the Senator from Vermont [Mr. PROCTOR] who has charge of the bill.

Mr. GORMAN. There are not many Senators here. The amendment is an important one, and, with the Senator's consent, I make the motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. HANSBROUGH. I yield very willingly.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 14, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 11, 1905.

CONSUL.

Daniel W. Williams, of Ohio, to be consul of the United States at Cardiff, Wales, vice Daniel T. Phillips, deceased.

UNITED STATES ATTORNEY.

William G. Whipple, of Arkansas, to be United States attorney for the eastern district of Arkansas. A reappointment, his term having expired January 8, 1905.

ASSAYER.

Joseph Pinkham, of Idaho, to be assayer of the United States assay office at Boise City, Idaho, to succeed H. Smith Woolley, removed.

POSTMASTERS.

ALABAMA.

Lewis J. Lawson to be postmaster at Greensboro, in the county of Hale and State of Alabama, in place of James M. Hobson, deceased.

COLORADO.

Frank E. Sheridan to be postmaster at Meeker, in the county of Rio Blanco and State of Colorado, in place of Frank E. Sheridan. Incumbent's commission expires February 22, 1905.

GEORGIA.

William H. Marston to be postmaster at Fitzgerald, in the county of Irwin and State of Georgia, in place of William H. Marston. Incumbent's commission expires February 18, 1905.

ILLINOIS.

Alice M. Clement to be postmaster at Lamoille, in the county of Bureau and State of Illinois. Office became Presidential January 1, 1905.

Eugene A. Foster to be postmaster at Bradford, in the county of Stark and State of Illinois, in place of Eugene A. Foster. Incumbent's commission expires February 22, 1905.

KENTUCKY.

Rezin B. Boulden to be postmaster at Millersburg, in the county of Bourbon and State of Kentucky, in place of Rezin B. Boulden. Incumbent's commission expired December 20, 1904.

John H. Rowland to be postmaster at Cloverport, in the county of Breckinridge and State of Kentucky, in place of John H. Rowland. Incumbent's commission expired January 16, 1905.

LOUISIANA.

Henry E. Sweet to be postmaster at De Ridder, in the parish of Calcasieu and State of Louisiana. Office became Presidential July 1, 1904.

MAINE.

Fred H. King to be postmaster at Portland, in the county of Cumberland and State of Maine, in place of Clark H. Barker, deceased.

MARYLAND.

George E. Mullin to be postmaster at Brookville, in the county of Franklin and State of Maryland, in place of Arthur H. Rockafeller. Incumbent's commission expired December 13, 1903.

MINNESOTA.

R. F. Bergerson to be postmaster at Lake Park, in the county of Becker and State of Minnesota, in place of Frank B. Higley. Incumbent's commission expired January 31, 1905.

Peter J. Schwarg to be postmaster at Dodge Center, in the county of Dodge and State of Minnesota, in place of John K. Fancher. Incumbent's commission expires February 26, 1905.

Nettie J. Van Inwegen to be postmaster at Ortonville, in the county of Bigstone and State of Minnesota, in place of Nettie J. Van Inwegen. Incumbent's commission expired January 31, 1905.

MISSISSIPPI.

William J. Brigham to be postmaster at Tunica, in the county of Tunica and State of Mississippi. Office became Presidential January 1, 1905.

L. Hilton Tubb to be postmaster at Amory, in the county of Monroe and State of Mississippi. Office became Presidential October 1, 1904.

MISSOURI.

Otis M. Gary to be postmaster at Doniphan, in the county of Ripley and State of Missouri, in place of John W. Presson, resigned.

Benjamin F. Guthrie to be postmaster at Milan, in the county of Sullivan and State of Missouri, in place of John E. Swanger, resigned.

NEW JERSEY.

Edward M. Sutton to be postmaster at Ocean City, in the county of Cape May and State of New Jersey, in place of Edward M. Sutton. Incumbent's commission expires February 22, 1905.

NEW YORK.

George W. Armstrong to be postmaster at Manlius, in the county of Onondaga and State of New York, in place of George W. Armstrong. Incumbent's commission expired February 4, 1905.

OHIO.

Gomer C. Davis to be postmaster at Shawnee, in the county of Perry and State of Ohio, in place of Charles C. Marsh. Incumbent's commission expired December 20, 1904.

PENNSYLVANIA.

Alfred R. Houck to be postmaster at Lebanon, in the county of Lebanon and State of Pennsylvania, in place of Alfred R. Houck. Incumbent's commission expires March 1, 1905.

VIRGINIA.

William C. Ellett to be postmaster at Blacksburg, in the county of Montgomery and State of Virginia, in place of William C. Ellett. Incumbent's commission expired December 14, 1903.

Warner J. Kenderdine to be postmaster at Radford, in the county of Montgomery and State of Virginia, in place of Wade Taylor. Incumbent's commission expired February 11, 1905.

Thomas G. Peachy to be postmaster at Williamsburg, in the county of James City and State of Virginia, in place of Thomas G. Peachy. Incumbent's commission expired June 5, 1904.

WASHINGTON.

William H. Imus to be postmaster at Kalama, in the county of Cowlitz and State of Washington. Office became Presidential January 1, 1905.

WISCONSIN.

Robert A. Etter to be postmaster at Monroe, in the county of Green and State of Wisconsin, in place of Robert A. Etter. Incumbent's commission expired January 31, 1905.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 13, 1905.

Houston M. Tubb to be postmaster at Amory, in the State of Mississippi.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1905.

ASSAYER.

Joseph Pinkham to be assayer at Boise City, Idaho.

ASSOCIATE JUSTICE, SUPREME COURT OF HAWAII.

Arthur A. Wilder, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii.

PROMOTIONS IN THE NAVY.

Lieut. Commander George S. Willits to be a commander in the Navy from the 13th day of September, 1904.

Lieut. Webster A. Edgar to be a lieutenant-commander in the Navy from the 1st day of January, 1905, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

POSTMASTERS.

ILLINOIS.

O. E. Baldwin to be postmaster at Cobden, in the county of Union and State of Illinois.

INDIANA.

Herman Schumacher to be postmaster at Newburg, in the county of Warrick and State of Indiana.

MINNESOTA.

George E. Kirkpatrick to be postmaster at Rushford, in the county of Fillmore and State of Minnesota.

NEW YORK.

Hiro J. Settle to be postmaster at Ballston Spa, in the county of Saratoga and State of New York.

SOUTH DAKOTA.

Sherman F. Lucas to be postmaster at Bonesteel, in the county of Gregory and State of South Dakota.

ARBITRATION TREATY WITH MEXICO.

The injunction of secrecy was removed February 11, 1905, from an arbitration convention between the United States and Mexico, signed on January 18, 1905.

ARBITRATION TREATY WITH SWEDEN AND NORWAY.

The injunction of secrecy was removed February 11, 1905, from an arbitration convention between the United States and Sweden and Norway.

INTERNATIONAL ARBITRATION TREATIES.

The yea and nay vote on the amendment reported from the Committee on Foreign Relations to the arbitration convention with France (Ex. I, 58th, 3d) is as follows:

YEAS—50.

Alger	Clay	Gorman	Morgan
Allison	Culberson	Hale	Newlands
Ankeny	Cullom	Hansbrough	Overman
Bacon	Daniel	Heyburn	Patterson
Bailey	Dick	Kean	Perkins
Bard	Dillingham	Kittredge	Scott
Bate	Dryden	Latimer	Smoot
Berry	Foraker	Lodge	Spooner
Blackburn	Foster, La.	Long	Stone
Burnham	Foster, Wash.	McComas	Taliaferro
Burrows	Fulton	McCreary	Teller
Carmack	Gallinger	McLaurin	
Clark, Wyo.	Gamble	Money	

NAYS—9.

Dolliver	McCumber	Platt, Conn.	Warren
Fairbanks	Nelson	Stewart	Wetmore
Hopkins			

NOT VOTING—31.

Aldrich	Cockrell	Hawley	Penrose
Allee	Crane	Kearns	Pettus
Ball	Depew	Knox	Platt, N. Y.
Beveridge	Dietrich	McEnery	Proctor
Burton	Dubois	Mallory	Quarles
Clapp	Elkins	Martin	Simmons
Clark, Mont.	Frye	Millard	Tillman
Clarke, Ark.	Gibson	Mitchell	

HOUSE OF REPRESENTATIVES.

MONDAY, *February 13, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Sunday, February 12, 1905, was read and approved.

PERSONAL EXPLANATION.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I should like to proceed in my own way for two or three minutes, and then I will state the question of personal privilege, and in the meantime I will guarantee that nothing unparliamentary will be said by me before the question of privilege is reached. In order that the gentleman from New York——

The SPEAKER. The gentleman, it seems to the Chair, ought to state—perhaps the gentleman is about doing so—his question of personal privilege, because he obtains the floor to a question of personal privilege. Of course, the gentleman can state it in his own way; or the gentleman, if he does not desire to state his question of personal privilege, can ask at once, if he chooses to do so, for unanimous consent to make a personal explanation.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I ask unanimous consent for a personal explanation.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for a personal explanation. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, in order that the gentleman from New York might be present during the discussion, I gave public notice upon the floor of the House last Friday that to-day I would reply to an article printed on February 9 in the New York American, a newspaper owned and edited by the gentleman from New York [Mr. HEARST].

On Tuesday last, while the gentleman from Florida [Mr. LAMAR] was addressing the House upon the bill empowering the Interstate Commerce Commission to fix railroad rates, I thought he was criticising too harshly his Democratic colleagues for their failure to support the so-called "Hearst bill." It occurred to me that some of them might condone the offense by explaining that the bill had not been fully discussed before them, so I asked the gentleman from Florida a question and a colloquy ensued, which I have extracted from the RECORD and now read:

Mr. LAMAR of Florida. He [Mr. RICHARDSON of Alabama] denounced the bill in this House as unjust, when that bill sought to correct one of the most flagrant abuses now existing in railway circles in this country, and I say that is a confirmation of my charge that public men have not studied this question.

Mr. SULLIVAN of Massachusetts. Is the gentleman now referring to the so-called "Hearst bill?"

Mr. LAMAR of Florida. Yes.

Mr. SULLIVAN of Massachusetts. I would like to ask the gentleman how anyone could read that bill when for the last few days it was impossible to procure a copy of it?

Mr. LAMAR of Florida. I can not understand that, Mr. Chairman. I have had a copy and I supposed everybody else had one. That is not

my fault, and the bill has been on file. There are only two amendments to it. The bill has been on file since the 13th of March, 1904.

Mr. HUGHES of New Jersey. I would suggest to the gentleman that may be explained by the popularity of the bill throughout the country.

Mr. LAMAR of Florida. It may be as the gentleman suggests, that the demand was so great; but I understand that it is in the report. It has been on file in the document room.

Mr. WILLIAMS of Mississippi. It would be right interesting to tell where the demand came from. It would be interesting to go to the document room and try to find out who got them.

Mr. SULLIVAN of Massachusetts. I will inform the gentleman from Florida [Mr. LAMAR] that I was exceedingly anxious to peruse the terms of this perfect piece of legislation, and I went to the document room several days ago, but was unable to find a copy.

Mr. LAMAR of Florida. If the gentleman will do me the slight honor, I will offer it to him now.

Mr. SULLIVAN of Massachusetts. It is too late now, as the gentleman admits. And I will say, further, I have not yet had the benefit of a lucid explanation of its terms even by its advocates on the floor of this House.

Mr. LAMAR of Florida. Mr. Chairman, I can not furnish the elucidation of the bill and furnish the comprehension of it also. I will say this, Mr. Chairman, that with two exceptions, the bill brought in by the gentleman from Missouri [Mr. SHACKLEFORD] and myself is the identical Hearst bill which was introduced into this House nearly one year ago—nearly one year ago, with the exception of two clauses, and they are only put there to cover the private car lines and the terminal business. So the gentleman has had the amplest opportunity, and the mere fact that he had never taken the occasion to go to the rooms of the Committee on Interstate Commerce or to the files of the House and inform himself of a piece of legislation that has been existing here for one year is another proof positive that he has not studied this question and has not given it a particle of attention.

Mr. SULLIVAN of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Florida yield?

Mr. LAMAR of Florida. I have such a limited time——

Mr. SULLIVAN of Massachusetts. Following out the gentleman's suggestion——

The CHAIRMAN. Does the gentleman from Florida yield?

Mr. LAMAR of Florida. I yield.

Mr. SULLIVAN of Massachusetts. I would say one year ago I was virtually ignorant of the name of the distinguished author of this bill, and although a year has passed the gentleman has not taken an opportunity to explain his own bill on the floor of this House, which I as one Member would have welcomed. [Applause.]

Mr. LAMAR of Florida. Well, Mr. Chairman, it may be that—well, I will not put it that way. I will say that if Mr. HEARST was here he would say that not to know the gentleman from Massachusetts was to argue himself unknown, but still the gentleman has had the amplest opportunity, as that bill has been on the files nearly a year. It touches a great subject. It is drawn with the utmost skill and with a complete view of practical railroad abuses, etc.

From this it will be seen that I simply sought to furnish the reason for the lack of Democratic enthusiasm for the Hearst bill, which was deplored by the gentleman from Florida, by suggesting that the discussion upon the floor by the gentleman from New York of his own bill might have produced the desired effect upon his party associates. The gentleman from Florida, however, did not take my suggestion kindly, but, instead, replied that he could not furnish me with an elucidation of the bill and comprehension also. I have not been certain since whether he was merely stating the well-known physical law that makes one individual incapable of transferring to another any portion of his powers of comprehension or whether his statement was based upon the realization that the condition of his mental treasury made its diminution by charitable transfer exceedingly dangerous to himself. But, however that may be, my suggestion to the gentleman from Florida excited the ire of the gentleman from New York and inspired the newspaper article of which I complain.

Ordinarily newspaper criticisms do not call for reply. Our public men understand the duty the press owes to the people, and they accept fair criticism of their actions without objection. The people have the right to complete information of the proceedings of legislative bodies, of the votes of the members and the public debates therein. Such information is given fully and impartially by the press, and to this agency is attributable in high degree the intelligence of our people respecting public men and public measures.

Sometimes in the heat of partisan campaigns the press—being a human agency, and therefore not wholly unmoved by popular excitement—makes an exaggerated statement, and occasionally an incorrect statement. But if these are not destructive of reputation public men allow them to pass without criticism, or, if a correction is asked, it is almost invariably given as soon as the error is made manifest to the publisher.

There are circumstances, however, in which complaint is proper, even necessary. Where the proprietor of a newspaper is also a Member of Congress, he owes a double duty to his colleagues to be fair and impartial in his newspaper criticisms of them. His first duty is to the country—to be accurate in his reports of legislative proceedings, so that the people may not be mistaken in their views on public questions or prejudiced in their judgments of public men. His second duty springs from his office—to be just to his fellow-Members, who are engaged with him in the performance of a patriotic task. These obligations bind him as firmly as the laws of the land, united with considerations of justice and a due regard for the amenities of official association, are capable of binding such an individual. A breach of these obligations is offensive to the law, to justice, and to the proprieties. It affects the dignity of the House and of every one of its Members. For these reasons an attack that would be properly ignored if made in a newspaper not owned by a Member of Congress may imperatively demand notice when delivered in a newspaper that is owned by a Member of that body.

For every Member of this House must be free to hold and express his opinions upon public measures unrestrained by force or fear, if he would render the best service to his constituency and his country. To diminish the right to hold and express his own views is to diminish the value of his services to that constituency, which is assumed to have known the political opinions of its Representative and to have elected him to legislative office so that those views might be impressed upon the laws of the land. This right of free speech is as sacred as the right to a free press. Both have contributed wondrously to secure the blessings of liberty which are enjoyed by the people of the United States. Free as the right to speak and the right to publish are, jealously as they must be guarded, that freedom must never be permitted to degenerate into a mere license to slander. If my opinions differ from those of the gentleman from New York he has a right to criticise them relentlessly, either on this floor or in his newspaper, so long as he does it fairly, giving opportunity for reply. But he must not seek to coerce others into agreement with him by wrongful and cowardly use of an unscrupulous press. It is true that the American people are so busy with their own concerns that they do not always notice the abuses of the press by some or of free speech by others. But when the facts of oppression are known to the American people they always demand fair play. So, when one man seeks by abuse of the freedom of the press to crush his fellow-citizen or compel him by force to change his views, then the sympathies of our people are invariably with the one unjustly attacked and against the swaggering bully. It is true that "the pen is mightier than the sword," but the sword of justice, in the hands of the American people, is far more potent than the pen of slander, even when wielded by the most powerful oppressor. [Applause.]

I presume my criticism that it might have been well for the gentleman from New York to have taken the floor and discussed his own bill seemed to the gentleman from New York to be an infraction of his monarchical dignity, and he thereupon proceeded to visit upon me the penalties for lèse majesté by having my name duly registered for slaughter in the political assassination department of his newspaper. [Laughter.] Mr. Speaker, I will now read the article in question.

[From the New York American, Thursday, February 9, 1905.]

The ignorance of many Members of the House on the subject of this legislation is an interesting study. Mr. LAMAR referred to it yesterday and Mr. SHOBER to-day, both in doubt as to whether this ignorance was due to congenital incapacity or indifference to the people's rights.

KNEW NOTHING OF HEARINGS.

For example, a bald, red-nosed young man, whose name, it seems, is SULLIVAN, interrupted Mr. LAMAR yesterday. He was identified, after investigation, as being from Massachusetts. Mr. SULLIVAN revealed his hitherto unsuspecting presence in the House of Representatives by asking some questions which showed that he knew nothing of the hearings before the Interstate Commerce Commission, the hearings before the House Interstate and Foreign Commerce Committee, and the Senate Interstate Commerce Committee, the many volumes of printed testimony taken at these hearings, or the character of the bills pending.

The Boston Fruit Exchange—

This is for local color—

which sent Mr. Mead to Washington to declare against the private-car evil, will be edified to learn this.

Now, Mr. Speaker, this article does not touch my character, but it does affect me in my representative capacity, and is a deliberate insult of one Member by another, so I propose to discuss it and the motives beneath it in such a manner as to afford the gentleman from New York a fair chance to reply, and I trust he will have the decency to avail himself of the privilege of this floor, after the fashion of a manly man, instead of hiding under the cover of further cowardly newspaper attacks.

Mr. ROBINSON of Indiana. Mr. Speaker, I make the point of order that one Member can not impugn the motives of another, and that he can not, except in a parliamentary way, refer to a Member, and that this is not a question of personal privilege, which the gentleman originally suggested it would be.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I am proceeding by unanimous consent.

The SPEAKER. The gentleman has the floor, by unanimous consent, to make a personal explanation.

Mr. ROBINSON of Indiana. Mr. Speaker, I apprehend, and I simply suggest, that the gentleman from Massachusetts [Mr. SULLIVAN] had theretofore stated his purpose to present the matter as a privileged question, as a matter of personal privi-

lege. The gentleman having failed so far to do that, in view of the fact that unanimous consent was granted upon that statement, I take the opportunity to suggest what I have suggested; but I make the further point, Mr. Speaker, that he can not impugn the motives of a Member or refer to a Member on this floor in the manner in which he has done.

The SPEAKER. The Chair infers from the remarks of the gentleman from Massachusetts that he is not impugning the motives of a Member in his representative capacity, as a Member upon the floor, or touching the public business; it seems to the Chair that he is proceeding by unanimous consent, and the Chair gathers from his remarks that he is giving the motives of the gentleman from New York in his newspaper capacity. [Laughter.] The gentleman would only be in order by unanimous consent.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I may say in passing that I recognize my obligation to the gentleman from New York for his "discovery" of the hitherto unknown Member. One should be duly thankful for political birth—even under the unhappy circumstances of being begotten in acrimonious colloquy and delivered in the columns of "the yellow journal." [Applause.]

The charges of being bald and red nosed I neither affirm nor deny, but leave the gentleman to his proof. [Laughter and applause.] I am half inclined to plead guilty to the former charge. Yet as I look around I am somewhat consoled by the reflection that baldness is a relative term, after all, and there are worse offenders in the House than I. [Laughter.] Of course I am not blind to the impression sought to be created by the use of the words "bald and red nosed." The writer made his point with more subtlety, if not quite so clearly, than if he had added the term "blear-eyed" and had suggested "unsteady gait" and "thickness of speech." Of course the impression he desired to create would be a false one, but I do not think it worth while to waste any time on that point.

The writer raises the query whether my "ignorance (of pending measures) was due to congenital incapacity or indifference to the people's rights." "Congenital incapacity" is a serious charge, yet obviously one which a person accused would not care to discuss. If the charge is true, he is not guilty, but simply unfortunate, and it is surely a grievous misfortune not to be able to appreciate the value of the legislative services of the gentleman from New York. [Laughter.] But "congenital incapacity to understand" is a term that covers a wide range of mental and moral deficiencies. It covers the case of the moral degenerate who insolently casts his lecherous eyes upon the noblest of women whose virtue places them beyond the contamination of his lust. It covers the case of the unclean, unproductive, shiftless member of society who stands before the jeweler's window condemning the economic and municipal laws that place the beautiful gems beyond his reach. And it includes the man who, totally bereft of the sense of proportion, raises his profaning eyes toward the splendid temple of the people's highest gift—the Presidency of the United States—blissfully unconscious of the woeful contrast between the qualifications requisite for that high office and his own contemptible mental and moral equipment.

Mr. ROBINSON of Indiana. Mr. Speaker, I renew my point of order.

The SPEAKER. The gentleman renews his point of order. The Chair will read the following from the Digest for the information of the House and for the information of the gentleman occupying the floor by unanimous consent. Page 155 of Jefferson's Manual says:

No person, in speaking, is to mention a Member then present by his name, but to describe him by his seat in the House, or who spoke last, or on the other side of the question, etc.; nor to digress from the matter to fall upon the person by speaking, reviling, nipping, or unmannerly words against a particular Member.

The parliamentary usage in this respect is perfectly plain, and the gentleman from Massachusetts will proceed in order.

Mr. ROBINSON of Indiana. May I ask the Chair to rule on the point of order I made?

The SPEAKER. If the gentleman desires a ruling, and the stenographer will furnish the Chair with the language, or if the gentleman is reading from manuscript and he will send his manuscript to the desk, the Chair will determine it.

The last paragraph of the remarks of the gentleman from Massachusetts was furnished the Speaker.

The SPEAKER. The Clerk will read the language referred to.

The Clerk read as follows:

The writer raises the query whether my "ignorance (of pending measures) was due to congenital incapacity or indifference to the people's rights." "Congenital incapacity" is a serious charge, yet obviously one which a person accused would not care to discuss. If the charge is true, he is not guilty but simply unfortunate, and it is surely a grievous misfortune not to be able to appreciate the value of the legislative services of the gentleman from New York. But congenital incapacity to understand is a term that covers a wide range of mental and moral deficiencies. It covers the case of the moral degenerate, who insolently casts his lecherous eyes upon the noblest of women whose virtue places them beyond the contamination of his lust. It covers the case of the unclean, unproductive, shiftless member of society who stands before the jeweler's window condemning the economic and municipal laws that place the beautiful gems beyond his reach. And it includes the man who, totally bereft of the sense of proportion, raises his profaning eyes toward the splendid temple of the people's highest gift—the Presidency of the United States—blissfully unconscious of the woeful contrast between the qualifications requisite for that high office and his own contemptible mental and moral equipment.

The SPEAKER. The House will observe, and the gentleman from Indiana also [great laughter], the joke is on the Chair. [Renewed laughter.] The House will observe that the language used by the gentleman from Massachusetts would be unparliamentary if there were anything in the language to connect it with any Member upon the floor of the House. The Chair in passing upon the point of order can not enter the domain of speculation to say whether it refers to any Member of the House. To illustrate, if it were set out as a matter of pleading in a declaration it would need an averment that would connect it with a Member of the House. So that upon the face of the language as uttered by the gentleman from Massachusetts the Chair can not say that he is out of order.

Mr. ROBINSON of Indiana. Mr. Speaker, I suggest the further point that a Member in addressing the House must use decorous language and keep within the rules of decorum. Upon that I submit the proposition to the Chair as to whether that language is within the rules.

The SPEAKER. The Chair will say in answer to the further point of the gentleman from Indiana that the language is not of that nature which of itself makes it subject to the point of order.

Mr. BAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York [Mr. BAKER] rise?

Mr. BAKER. To ask a ruling of the Chair upon this point——

The SPEAKER. The Chair can only rule upon points of order that are made.

Mr. BAKER. Mr. Speaker, I raise the point of order.

The SPEAKER. If the gentleman from New York [Mr. BAKER] will indulge the Chair, the point of order for the time being takes the gentleman entitled to the floor, the gentleman from Massachusetts [Mr. SULLIVAN], and occupying it, off the floor, so that the gentleman from New York [Mr. BAKER] must make his point of order. Otherwise he can only speak in the time of the gentleman from Massachusetts [Mr. SULLIVAN] by consent of the gentleman from Massachusetts.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I am proceeding by unanimous consent.

Mr. BAKER. Do I understand that I can not make a point of order?

The SPEAKER. On the contrary, if the gentleman rises to a point of order, he must state it.

Mr. BAKER. Mr. Speaker, I raise the point of order that the language did apply to a Member of the House, and it is shown in the almost unanimous applause of the Republican Members. [Applause and laughter.]

The SPEAKER. The Chair supposes that he must rule upon that point of order. On the Speaker's left is the Republican side of the House, on his right the Democratic side. The Members of both sides seem to be indiscriminately mixed. [Laughter and applause.]

Mr. SULLIVAN of Massachusetts. Mr. Speaker, if the gentlemen will possess themselves in patience for a little longer I shall conclude.

"Indifference to the people's rights" is another charge that may be properly discussed, if I may be pardoned for the appearance of egotism. I have been elected to public office as a Democrat in strong Republican districts four times, twice to the Massachusetts senate and twice to the national House of Representatives. If I had been indifferent to the people's rights it does seem that an alert opposition would have discovered that fact and made it known to the voters in time to prevent my election. If the charge of "congenital incapacity and indifference to the people's rights" is true, I should receive some praise from the gentleman from New York for my adroitness in concealing these defects from a keenly discerning constituency without the assistance of a personal newspaper organ. No Member of this House realizes more painfully than the gentleman from New York that even with the assistance of such organs some Members have been unable to conceal their defects from even the casual scrutiny of the American people.

Now, the last charge is that of "revealing my unsuspecting presence in the House." I take it that the writer meant "unsuspected." If so, it is only just to remark that I have not been absent

from this House more than three or four times in the three sessions of the Fifty-eighth Congress. This is well known to the Members, and it is equally well known that some gentlemen are the most notorious absentees in this body—that they do not attend one day in ten, and have never been known to remain for an entire legislative day even upon those rare occasions when they condescend to grace us with their presence. Time and time again, when their votes on this floor were needed by that party which they profess to love, have we looked in vain for them, for out of fifty-five roll calls in the first and second sessions of the Fifty-eighth Congress they answered only nine. And how about their services? Has any Member heard their manly, sonorous voices once upon this floor in the discussion of a subject, in the asking of a question, in the making of an amendment, in the offering of a motion? Not once! Silent, inarticulate, wrapt in impenetrable gloom, these legislative sphinxes sit enshrouded in the majesty of their fancied greatness.

Now, as to the charge that I "knew nothing" of the various hearings upon the pending rate-fixing bill or the character of the proposed legislation, I content myself with saying that while I did not read all that was adduced before the House and Senate committees, I did read much of it and read a multitude of pamphlets, briefs, press and newspaper articles, and the law upon the subject in order to gain an understanding of the question. But I must confess that I did not read the statement read to the committee by the gentleman from New York—and that omission, it seems, was my undoing. To be sure, I voted for the bill which passed this House, just as the gentleman from New York did, so that he can not complain upon that ground.

Now, why did I not read the statement of the gentleman made before the committee? It was because I never took the legislative services of these gentlemen seriously, and it is my opinion that not more than six or seven Members of this entire body do take them seriously. I know that they do not take themselves seriously as legislators, for if they did they would favor us with their presence oftener than they do. These gentlemen are not trying to render good services as legislators by remaining in the House and attending to the public business. Their constituents evidently do not expect them to come here often, for by reelecting them they indorsed their record of absenteeism, apparently on the theory that they could do them less harm by their absence from the House than by their presence therein. [Applause and laughter.] Many Members of this House must feel some curiosity to know why these gentlemen ever break their custom by coming into the House at all.

Some of them come here solely because the position offers them an opportunity to exploit their candidacy for the Presidency of the United States. That such are candidates for the Presidency is a truth that has ceased to be startling, for after the country took a survey of them it discounted them as possibilities and breathed easier forthwith. [Laughter and applause.] There was a single precedent in their favor, for the Democratic party had once nominated an editor; but they failed to remember that it had never nominated a mere check book. The political parties of this country frequently nominate great men—almost always good men—but always men who have shown ability in some branch of the public service. They have never nominated an unknown man or a political novice whose only recommendation is his inherited wealth. Yet, notwithstanding the fact that the folly of their candidacy would be revealed to them clearly if they examined the sterling qualities of the American Presidents from Washington to Roosevelt their fatuous candidacy persists.

"Whom the gods would destroy they first make mad," and hence, perhaps, it is that ambition to fill the high office of President fills the heart of these gentlemen. Well, indeed, might they exclaim with the poet Burns:

> Oh wad some power the giftie gie us
> To see oursel's as others see us!

Would it not be well for such gentlemen, as introspection is apparently impossible, to get an honest estimate of themselves from their colleagues? I venture to say, Mr. Speaker, that in no body in this country would they receive a smaller vote than here in this House amongst their party associates. It is true that they would obtain some slight support from those whose assembling under that banner would indicate less love for old-fashioned Democratic principles than for an opportunity to display themselves in the phosphorescent light of those literary fungii euphemistically called "newspapers."

While the wisdom and beneficence of our institutions are commonly measured by their good results, the remarkable opportunities for evil which these same institutions afford is startling. The magnificent advantages of distance have never been more fully demonstrated than in our system which unites in a common scheme of government territories situated at opposite ends of this great continent.

Thus, while a man may by his conduct on the borders of the Pacific Ocean make either his nomination or election to office impossible in a community of self-respecting persons, he may by fleeing from the sources of his reputation as far as the Atlantic Ocean permits, secure election to high office. From California to New York measures the scope of this continent. Yet it was evidently believed by such—and surely they are the best judges—that any less distance would be fatal to their ambition. These gentlemen sooner or later will discover that the people never will reconcile two absolutely irreconcilable forces—their ambition and their reputation.

But fortunately for the Democratic party, and more fortunately for the country, these candidacies which began in debauch ended in fiasco. While they lasted, a campaign of corruption was waged that has no parallel in American history. It is true that they received the support of many honest men who did not know them well, but it is also true that the main feature of that campaign was the use of the grossest forms of corruption that ever shocked the conscience of the American commonwealth. Perhaps the lesson of that failure has been read, and I trust that it has. But at all events a shrewd plan has been framed for the attainment of these great ambitions. A scheme of wholesale political assassination has been mapped out, evidently with the idea that only by destroying the respectable elements of the Democratic party can their candidacy rise above the plane of farce comedy. And so the Democrats throughout the country who are still true to their principles and who refuse to follow the will-o'-the-wisp of Populism are threatened to be ground into the dust by this car of Juggernaut. But I believe this plan will fail too, for the followers of old-fashioned Democratic principles in this country, men of the stamp of our respected, honored, yea, beloved leader upon the floor of this House, are the flower of every community. [Applause.]

And the refusal of our leader to stoop to controversy with a contemptible opponent, even under the lash of rancorous newspaper slander, is evidence that the minority made no mistake when they trusted to the genius, the character, and the judgment of the statesman from Mississippi by selecting him to lead them. [Prolonged applause.] The men who hold to our fundamental principles are respected for their character and attainments. Their influence may temporarily be diminished by the sudden gusts of passion and prejudice, but never destroyed, for theirs is an influence built on the respect of their fellow-men for honesty, disinterested patriotism, virtue, love of truth, and steadfast devotion to those great maxims of human right which were enunciated by the founder of the grand, historic Democratic party. And sad indeed will it be for our country when those principles cease to be the inspiration of the Democratic party. By constant adherence to them sooner or later we will emerge from the shadows of the people's distrust and gain anew the confidence of our fellow-men. And though that day may be long postponed, yet by remaining true to those principles we will be an effective minority that, exercising a salutary check upon the excesses of the majority, will perform signal service to our country.

The duty of Democracy is not to pave the way to socialism, but to prevent its achievement. Democratic faith is valuable or valueless to the country according as it opposes or fails to oppose the mighty force of its ancient faith as a bulwark against the rising sea of socialism, toward which every present policy of the Republican party is fast driving us. And shall the men who would perform a service to the country—by clinging as to very life itself to the principles that have created the country's greatness, that have made the Democratic party magnificent in its hour of victory and respected in its hour of defeat—be destroyed by the puny men who, dead in conscience as they are in patriotism, and actuated by the malignity of wounded ambition, would seek revenge in the assassination of those who guard the sacred vessels of the party faith from the contamination of impure hands? No, Mr. Speaker, they will not be destroyed; but even if that were possible, the principles which they profess will not be destroyed, for they are absolutely indestructible.

I know, Mr. Speaker, that prudential reasons warn against a controversy with a newspaper of this character. These reasons present the danger of exposure to a new form of "yellow peril" as disastrous to reputation as the other form is alleged to be to Christian civilization. But while I remain a Member of this House I will reply to unjust attacks in the newspapers of the men who attack me by sending to the Clerk's desk, to be read with the article complained of, an estimate of the character of my traducers, which was given upon the floor of this

House as the judgment of those with whom those gentlemen lived and who for that reason knew them best.

Now, Mr. Speaker, I will conclude. If by my remarks I have checked the scheme of political assassination which has been marked out by a Nero of modern politics, or have even called public attention to its evil purpose, I believe I have performed a service to the House and to the country—to the House by insisting that each Member shall duly respect each other, at least outwardly, and to the country by exposing the malice that inspires these newspaper articles which operate to create in the minds of the people false impressions of their public servants. [Prolonged applause.]

Mr. HEARST rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. HEARST. Mr. Speaker, I ask unanimous consent to reply to the gentleman from Massachusetts [Mr. SULLIVAN].

The SPEAKER. The gentleman from New York asks unanimous consent for a personal explanation in reply to the gentleman from Massachusetts [Mr. SULLIVAN]. Is there objection? [After a pause.] The Chair hears none.

Mr. HEARST. Mr. Speaker, it seems to me that the gentleman from Massachusetts [Mr. SULLIVAN] has very largely exaggerated the article which appeared in my newspaper. He has altogether misstated the reasons for the publication of that article. Personally, I did not inspire nor suggest the publication of that article, but I am entirely willing to assume all responsibility for everything that appears in my newspapers, no matter whether I inspire or suggest them or not. The gentleman from Massachusetts [Mr. SULLIVAN] intimates that there was local color given to the article with a desire, possibly, to injure him in Massachusetts. Yet he failed to state that I own a newspaper in Boston, Mass., and that the article did not appear in that newspaper.

The gentleman from Massachusetts apparently criticises my action, or lack of action, on the floor of this House. I wish to say in reply to that that I am proceeding here in the way that I think most effective to my constituents. I have heard incompetents speak on the floor of this House for hours for the mere purpose of getting their remarks in the RECORD; and I have heard the ablest speakers deliver the most admirable addresses on the floor of this House without influencing legislation in the smallest particular. [Applause.] I do not know any way in which a man can be less effective for his constituents and less useful to them than by emitting chewed wind on the floor of this House. [Laughter.]

There is a certain class of gentlemen who are peculiarly sensitive to newspaper criticism, and have every reason to be. I was criticised on the floor of this House once before by a gentleman from California, Mr. Johnson. That gentleman had been attacked in my newspapers for subserviency to the Southern Pacific Railway. He had gone back to his constituents for vindication, and the district which had elected him by 5,000 Republican majority repudiated him and went 5,000 Democratic. It was the first time that district had gone Democratic, and it has never gone Democratic since that time, so it was obviously in order to reject the gentleman from California, Mr. Johnson. Mr. Johnson had been indicted for forgery——

Mr. PAYNE. Mr. Speaker, I make the point of order that this is not within the privilege—to make an attack upon Mr. Johnson, a former Member of this House.

Mr. GRIGGS. Mr. Speaker, I ask the gentleman from New York [Mr. PAYNE] to let us have fair play here to-day. The gentleman from Massachusetts [Mr. SULLIVAN] referred to it.

Mr. PAYNE. Mr. Speaker, I withdraw the point.

Mr. DALZELL. Mr. Speaker, I desire to make a suggestion. If Mr. Johnson is to be criticised by the gentleman from New York [Mr. HEARST], we ought to have what Mr. Johnson said. I am for fair play; let us have both sides.

Mr. HEARST. Mr. Speaker, I thoroughly approve of that.

The SPEAKER. The gentleman from New York has withdrawn his point, and there is nothing upon which the Chair is called to rule.

Mr. DALZELL. I simply make the suggestion in fair play that the House should have what both of the gentlemen said, as well Mr. Johnson as the gentleman from New York [Mr. HEARST].

The SPEAKER. The Chair does not rule on fair play. [Laughter.] The gentleman from New York [Mr. HEARST] is addressing the House by unanimous consent by way of personal explanation in reply to the gentleman from Massachusetts [Mr. SULLIVAN]. The gentleman is entitled to the floor for one hour. The gentleman will proceed in order.

Mr. HEARST. Mr. Speaker, Mr. Johnson was indicted in New York State for forgery and fled to the West, where he changed his name, but not his character or his habits. He was denounced not only by my paper, but by a Republican paper, the San Francisco Chronicle, for this indictment for forgery and for other faults or crimes that he had committed. It seemed to me just to the people of California, whom my newspaper represented, to tell the truth about Mr. Johnson, and I think the action of his constituents showed approval of the action of my newspaper.

I had no desire, really, to criticise the gentleman from Massachusetts, and if I had I should certainly not have done it in so puerile a way. When I was at Harvard College in 1885 a murder was committed in a low saloon in Cambridge. A man partly incapacitated from drink bought in that saloon on Sunday morning, when the saloon was open against the law, was assaulted by the two owners of that saloon and brutally kicked to death. The name of one of the owners of that saloon was John A. Sullivan, and these two men were arrested and indicted by the grand jury for manslaughter and tried and convicted. I would like to ask the gentleman from Massachusetts [Mr. SULLIVAN] if he knows anything about that incident, and whether, if I desired to make a hostile criticism, I could not have referred to that crime?

Mr. BUTLER of Pennsylvania. Mr. Speaker, surely this is not a wash shop. Is it within the power of a Member to object to a continuation of this? [Laughter.]

Mr. SULLIVAN of Massachusetts rose.

The SPEAKER. One moment. The House will be in order.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, the gentleman from New York has asked me a question which I desire to answer, if he desires an answer. If he does, I shall answer it.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I rise to a point of order. Is it within the power of any Member of this House to prevent a continuation of this discussion?

The SPEAKER. On the contrary, the gentleman from Massachusetts [Mr. SULLIVAN] received unanimous consent from the House to address the House touching a personal explanation. He proceeded to address the House, and the gentleman from New York [Mr. HEARST] received unanimous consent, by way of personal explanation, to reply to the gentleman from Massachusetts, and is entitled to the floor for one hour, if he proceeds in order. The gentleman must proceed in order. Up to this time, in the references to an individual not a Member of the House, the gentleman was in order touching that. So far as the Chair is able to judge from the question of the gentleman from New York [Mr. HEARST], the Chair can not see that the gentleman is out of order, and the Chair will again read to the House what he read to the House during the remarks of the gentleman from Massachusetts:

> No person, in speaking, is to mention a Member then present by his name, but to describe him by his seat in the House, or who spoke last, or on the other side of the question, etc., nor to digress from the matter to fall upon the person by speaking, reviling, nipping, or unmannerly words against a particular Member.

Mr. BUTLER of Pennsylvania. Mr. Speaker, if I understood the gentleman from New York [Mr. HEARST] rightly, he inferentially charged the gentleman from Massachusetts [Mr. SULLIVAN] with either having murdered some one or conspired to murder.

The SPEAKER. He does not, from anything that the gentleman has so far said. An averment would have to be made before the Chair could know that he is referring to any Member of the House.

Mr. BUTLER of Pennsylvania. Will the Speaker have read what the gentleman from New York said?

The SPEAKER. The Chair recollects the language. The Chair was giving attention closely to the remarks. The Chair will state that the Chair himself hesitates sometimes in writing and halts in putting his own initials when he signs his name, and the Chair will state—although that is certain which may be rendered certain—that the Chair does not now even know the Christian name of either the gentleman from Massachusetts [Mr. SULLIVAN] or the gentleman from New York [Mr. HEARST]; nor does the Chair know whether of the 80,000,000 of people there are others bearing the same name. The Chair assumes that the gentleman from New York [Mr. HEARST] was not referring to the gentleman from Massachusetts. In other words, there is nothing so far to show on its face that the gentleman from New York [Mr. HEARST] is referring to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. BUTLER of Pennsylvania. Then somebody else committed the murder. Very well.

Mr. HEARST. Mr. Speaker, I recognize the inherent justice of the remark that the gentleman from Pennsylvania has made about the character of discussion that has been going on in this

House and I greatly regret it, but I must define the kind and character of men who have made their attacks upon me and their reasons for it. I must state there is a certain class of man who is peculiarly sensitive to criticism and particularly deserving of it, and I must say that it is the duty of a newspaper when such men are in public life to refer to their past and their character for the protection of the public.

The SPEAKER. The Chair will state, in view of the remarks of the gentleman, that an accusation of homicide against a Member—even although the alleged offense occurred before he was elected to this House—would seem to the Chair to fall within the parliamentary prohibition of being calculated "to provoke disturbance and disorder and to bring the body itself into contempt and criticism." The Chair will state that the words quoted are from a carefully considered report made to the House some years ago in a case wherein one Member charged against another an offense committed before the latter became a Member of the House. The gentleman from New York, the Chair presumes and believes, is quite familiar with parliamentary rules and usages and will proceed in order.

Mr. HEARST. Mr. Speaker, I really have nothing further to say except that I am proud to have incurred the hostility of that class of individual, and I shall make it my duty and my pride to continue to incur the hostility of that class of individual as long as I am in journalism or in politics. [Applause.]

REMOVING CERTAIN RESTRICTIONS UPON THE TRANSPORTATION BY STEAM VESSELS OF GASOLINE AND OTHER PRODUCTS OF PETROLEUM WHEN CARRIED BY MOTOR VEHICLES, ETC.

Mr. SHERMAN. On Saturday there was passed a bill (H. R. 18208) and a similar Senate bill was already here, but it was not on the Clerk's desk, so the Senate bill could not be passed. I now ask unanimous consent to substitute the Senate bill for the House bill. The two bills are identical in every particular.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration and passage of the bill (S. 6425) identically the same as a House bill passed on Saturday last. Is there objection? The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

An act (S. 6425) to amend section 4472 of the Revised Statutes so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power.

Be it enacted, etc., That the amendment to section 4472 of the Revised Statutes approved February 20, 1901, be amended to read as follows:

"Nothing in the foregoing or following sections of this act shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: *Provided, however,* That all fire, if any, in such vehicles or automobiles be extinguished immediately after entering the said vessel, and that the same be not relighted until immediately before said vehicle shall leave the vessel: *Provided further,* That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

GEORGE WASHINGTON UNIVERSITY, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill H. R. 18725.

The SPEAKER. The gentleman from Wisconsin calls up for present consideration the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18725) supplemental to the act of February 9, 1821, incorporating the Columbian College, in the District of Columbia, and the acts amendatory thereof.

Be it enacted, etc., That the George Washington University shall have, and is hereby given, power to increase the number of its trustees from time to time, by a two-thirds vote of the whole number of the trustees at the time such vote is taken, to a number not exceeding 45. In case of the increase of the number of trustees a certificate, stating the number of the board and the time when it shall go into effect and that the action so taken was by a two-thirds vote as required by this act, shall be filed with the recorder of deeds of the District of Columbia, and upon and after the date named the board shall consist of the number of trustees stated in such certificate, and said board may also appoint a board or boards of visitors for any department or departments of educational work carried on by the university, such boards of visitors to be advisory only.

SEC. 2. That by and with the consent of the said university, colleges may be organized hereunder for the purpose of carrying on, in connection with the university, special lines of educational work in the arts, sciences, and liberal and technical knowledge, such colleges to be educationally a part of the system of the university, but upon independent financial foundations, and to this end any five or more persons desirous of associating themselves for the purpose of establishing a college hereunder may make, sign, and acknowledge before any officer authorized to take acknowledgment of deeds in the District of Columbia, and with the assent of the university in writing, file in the office of the recorder of deeds of the said District a certificate in writing, in which shall be stated: First, the intention to organize a corporation under this act and the assent of the university thereto; second, the name or title by which the college shall be known in law; third, the names of the trustees constituting the first board, and such trustees may be divided into three classes, the term of office of one class expiring annually; fourth, the manner of nominating and electing successors to said trustees; fifth, the branch or branches of literature, arts, science, liberal or technical knowledge proposed to be taught; sixth, that the highest officer of said college shall be a dean, the dean and members of the faculty to be members of the educational councils of the university in accordance with the rules governing the university; seventh, that all degrees shall be bestowed by the university; eighth, that in all financial and legal responsibility the college shall be an independent organization. Upon filing such certificate the trustees named therein and their successors shall be a body politic, incorporated by the name and style stated in the certificate, and by that name and style shall have perpetual succession in association with the university, with power in the college to sue and be sued; plead and be impleaded; to acquire, hold, and convey property in all legal ways; to receive by gift, devise, or otherwise, and hold, control, and administer endowments and gifts of money and property thereafter made to it for the maintenance of its educational work; to have and use a common seal, and to alter and change the same at pleasure; to make and alter from time to time such by-laws, not inconsistent with the Constitution of the United States or the laws in force in said District or the laws of the university regulating the conduct of educational work, as may be deemed necessary for the government of the college, but said college shall not confer academic or honorary degrees; such college shall hold the property of the institution and all moneys and property conveyed to it by purchase, gift, conveyance, will, devise, or bequest solely for the purposes of the educational work specified in said certificate; the trustees of such college shall faithfully apply all funds collected or received and the proceeds thereof belonging to the institution, according to their best judgment, in purchasing lands and erecting buildings, supporting necessary officers, instructors, and servants, and procuring all equipment, educational and otherwise, necessary to carry on the work of the college.

SEC. 3. That said university may enter into affiliated agreements with any institutions of learning outside of the District of Columbia for the purpose of giving to students of such institutions the educational facilities of said university and the Departments of the Government in the city of Washington which are by law open to students upon such terms as are mutually agreed upon by the said university and the affiliated institutions.

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

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

AMENDING SECTION 602 OF THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask the present consideration of the bill H. R. 16989.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16989) to amend section 602 of an act entitled "An act to establish a code of law for the District of Columbia," as amended.

Be it enacted, etc., That section 602 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, be, and the same is hereby, amended so as to read as follows:

"SEC. 602. Any existing benevolent, charitable, educational, musical, literary, scientific, religious, or missionary corporation incorporated under the provisions of this act, including societies formed for mutual improvement, may reincorporate or may continue the term of its existence beyond the time specified in its original certificate of incorporation, or by law, or in any certificate of continuance of corporate existence, or may change its name by the written consent of two-thirds of its trustees or directors or other governing board, which consent in the case of a stock corporation shall be accompanied by the written consent of the owners of two-thirds of the capital stock of the corporation. A certificate that such consent or consents have been duly given, containing the original name and the new name of the corporation, if the same has been changed, and the term of corporate existence as continued shall be subscribed and acknowledged by the president or vice-president and by the secretary or assistant secretary of such corporation, and shall be filed with such consent or consents in the office of the recorder of deeds, to be recorded by him. Upon the filing of such certificate all the rights, powers, property, and effects of such existing corporation subject to existing liabilities shall vest in and belong to the corporation so reincorporated, continued, or renamed."

Mr. BAKER. Mr. Speaker, I would like to know the number of this bill.

The SPEAKER. The Clerk will report the number.

The Clerk read as follows:

A bill (H. R. 16989) to amend section 602 of an act entitled "An act to establish a code of law for the District of Columbia," as amended.

Mr. BAKER. Mr. Speaker, I will ask that this bill be laid over for a moment. I sent for the District of Columbia bills this morning, but I could not get this bill.

Mr. BABCOCK. I did not hear the gentleman, Mr. Speaker.

Mr. BAKER. Mr. Speaker, I sent for the District bills this morning, but I did not get this bill, and I therefore ask that this bill go over for a moment.

The SPEAKER. The bill is now under consideration.

Mr. BABCOCK. I will yield to the gentleman from New Jersey [Mr. WILEY].

Mr. BAKER. Mr. Speaker, there are a number of District bills, and it makes no difference if the bill should go over for a little while.

Mr. BABCOCK. The bill is under consideration and almost passed.

Mr. BAKER. Mr. Speaker, it seems impossible for me to get District bills. This is the third District of Columbia day that I have sent for all the District bills, and I have only been able to get part of them.

Mr. BABCOCK. If the gentleman or any Member will apply to the clerk of the committee, who sits near me on this floor, he will be furnished with copies of the bills and reports on the Calendar to be called up by the District Committee. This bill, Mr. Speaker, applies only to benevolent and charitable institutions of the District of Columbia.

Mr. BAKER. I would like to ask, Mr. Speaker, what is the purpose, what is the general scope, of the bill?

Mr. WILEY of New Jersey. I would state to the gentleman that this simply perfects existing legislation, and it does not confer any new powers upon them, but simply describes the manner in which they shall be perpetuated. They have all the right conferred by this bill, and this is simply to control and carry it out.

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

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

ELIMINATION OF CERTAIN GRADE CROSSINGS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill S. 6422.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] asks for consideration of a bill, which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 13 of the act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," be, and it is hereby, so amended as to permit the completion of the work within seven years from the date of the passage of said act; and also further amended by adding at the end thereof the following, namely:

"But the said plans and profiles may from time to time, with the approval of the said Commissioners, be modified or changed by the said company, and thereafter the work shall be done in accordance with the said modified or changed plans and profiles."

SEC. 2. That so much of said act as provides that Ninth street SW. shall be carried over said railroad is hereby amended by providing that said street shall be carried under said railroad by a suitable subway to be constructed under the terms of said act.

Mr. HEPBURN. Mr. Speaker, I would like to have some explanation of that bill, to know what changes are made by it.

Mr. BABCOCK. Mr. Speaker, there were two railroad acts passed in 1901, providing for elevating the tracks and for establishing two separate depots. Two years later Congress passed another bill providing for the Union Station. The time for the completion of this work, as provided under the Union Station act, was to be five years from 1903, and under the acts of 1901 they were to complete the work in five years. This, Mr. Speaker, simply brings the legislation contained in the acts of 1901, which was not repealed by the Union Station act, into harmony in respect to the time for completion. That is, the Union Station act provided for five years from 1903 in whch to complete the station and terminals, and the proposed legislation extends the time two years to complete the elevation of the tracks, making the completion of both on the same date. The elevated tracks could not be used until the Union Station is completed. And it provides—that is, section 2 of this bill—for carrying Ninth street SW. under the railroad instead of over it. The Commissioners state:

This change was made at the suggestion of this office, as the property interests and the topography of the ground at Ninth street lend themselves more favorably to an underground crossing than an overhead crossing.

I ask for a vote, Mr. Speaker.

Mr. SIMS. Does the amendment there provide for giving the Commissioners additional power? I did not catch it.

Mr. BABCOCK. I say that the proposition is to carry Ninth street under instead of over the tracks, and that it was changed by recommendation of the Commissioners.

Mr. SIMS. But was the bill amended?

Mr. BABCOCK. No, sir. This is the Senate bill, embodying all the amendments which we considered in the committee.

Mr. SIMS. I understood the bill as allowing the Commissioners to make changes from time to time as might be desired. I did not catch that part of it.

Mr. BABCOCK. It says the said plans and profiles may from time to time, with the approval of the Commissioners, be modified or changed by said company, and that thereafter the work shall be done in accordance with the said modified or changed plans or profiles.

Mr. SIMS. I do not understand that that means that they shall change the general plan.

Mr. BABCOCK. That is a part of the present law. This, as the Commissioners explained to the committee, provides for the minor matters constantly coming up that require slight changing, changes that do not amount to anything material.

Mr. SIMS. I understood that it does not give them any power to make any substantial change.

Mr. BABCOCK. Not at all.

Mr. HEPBURN. I would like to ask the gentleman form Wisconsin if under this amendment it would be possible to substitute the tunnel requirements with an open cut.

Mr. BABCOCK. It would not.

Mr. HEPBURN. There is no such authority given in this bill?

Mr. BABCOCK. No, not at all.

The bill was ordered to be read a third time; and was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

LUNACY PROCEEDINGS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill S. 6244.

The SPEAKER. The gentleman from Wisconsin asks for consideration of a bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That hereafter the proceedings instituted upon petition of the Commissioners of the District of Columbia to determine the mental condition of alleged indigent insane persons and persons alleged to be insane, with homicidal or otherwise dangerous tendencies, shall be according to the provisions of the Code of Law for the District of Columbia relating to lunacy proceedings: *Provided*, That the jury to be used in case the said Commissioners are the petitioners shall be impaneled by the United States marshal for said District, upon order of the court, from the jurors in attendance upon the criminal courts of said District, who shall perform such services in addition to and as part of their duties in said criminal courts: *Provided further*, That during such time as jurors are not in attendance upon said criminal courts the court may direct the said marshal to impanel the jurors in attendance upon the police court of said District, who shall perform such duties in addition to and as part of their duties in said police court; or the said court may direct a special jury to be summoned for such inquisitions. In case any such person adjudged to be of unsound mind has property, real or personal, the equity court of said District shall have full power in the same cause to appoint a committee or trustee of the person and estate of such person, according to the provisions of said code, and such committee or trustee shall reimburse, out of the funds of the lunatic, the District of Columbia for all court costs expended or incurred by it and for all moneys by it expended or costs incurred in caring for and treating such insane person up to the time of such appointment.

SEC. 2. That in case any person adjudged to be of unsound mind in the District of Columbia who is committed to the Government Hospital for the Insane, or any other institution, recovers his or her reason, and who is discharged from such institutions as cured, the superintendent of said Government Hospital for the Insane, or the official in charge of any such other institution where such person has been under treatment and has been so discharged, shall immediately thereafter file with the clerk of the supreme court of the District of Columbia his sworn statement that such person, in his opinion, was at the time of his discharge of sound mind, and such statement shall be sufficient to authorize the court to pass an order declaring such person to be restored to his or her former legal status as a person of sound mind.

The bill was ordered to be read a third time; and was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

INSPECTION OF STEAM BOILERS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to call up for consideration bill H. R. 18038.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] calls up the bill H. R. 18038, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That on the 30th day of June, 1905, the provision of the act of the legislative assembly of the District of Columbia entitled "An act creating the office of steam-boiler inspector for the District of Columbia," approved June 25, 1873, that "said inspector shall, for every inspection, be entitled to receive as compensation the sum of $5," will cease and determine, and thereafter said sum for each such inspection shall be collected by said inspector and be deposited weekly in the same manner as other revenues of said District are deposited, and the inspector of steam boilers shall receive a salary of $1,800 per annum. In the event of the absence or other inability of said inspector to perform his duties as such, or in any emergency where the service of an additional or substitute inspector of steam boilers is necessary, the Commissioners may appoint a deputy inspector of steam boilers, who shall give a bond and take an oath similar to the bond and oath prescribed by law for the inspector of steam boilers, and shall be paid at the rate of $5 per diem for each day he shall perform said duties.

SEC. 2. That the Commissioners are authorized to provide said inspector and deputy inspector with such implements and assistance, at

an expenditure not exceeding $600 per annum, as they may deem necessary for the efficient performance of the aforesaid duties; and a sum sufficient to pay such expenditures and the salary of the inspector of steam boilers, and for services rendered by the deputy inspector of steam boilers, is hereby appropriated for the fiscal year ending June 30, 1906, out of the Treasury of the United States and from the revenues of the District of Columbia in equal parts.

SEC. 3. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. HEPBURN. Mr. Speaker, I would like to have some explanation of this bill. I would like to know what the revenues now are, if the gentleman pleases, and what will be the effect of these changes. It seems to me that it is the creation of another office for the District of Columbia.

Mr. BABCOCK. Mr. Speaker, the effect of this bill will be a saving to the District of Columbia of several hundred dollars per year. At present the inspector of steam boilers receives $5 for each inspection, which is retained as fees. The average annual collection of fees by the inspector of steam boilers for the last three years has been $3,183, the lowest having been $2,935 and the highest $3,770. The total estimated expenditures under this bill are $2,700, as follows: For salary of inspector, $1,800; services of deputy inspector, $300; labor, livery of horse, wagon and harness, repairs, and miscellaneous expenses, $600. In other words, instead of making it a fee office this makes it a salaried office, resulting in this saving.

Mr. HEPBURN. Mr. Speaker, if the gentleman will permit me, it does not seem to me that there is any saving to the United States or to the District of that sum. Under the present law the man who is the beneficiary pays for this service, and the Government receives from the surplus fees, he tells us, $600; but here is a proposition that they take outright from the public Treasury some twenty-six or twenty-seven hundred dollars. Now, how is the public to make a saving, I would like to have the gentleman explain? Why should the public pay for the service rendered to the owner of the steam boiler?

Mr. BABCOCK. Mr. Speaker, this bill provides that the fees shall be turned in to the Treasury, the same as in other cases where fees are collected in the District, and placing the officer on a salaried basis. It is shown that in the last ten years the fees collected for this service and retained as salary have averaged $3,183 per annum. The Commissioners think that the inspector has been overpaid.

Mr. HEPBURN. Then why would it not be better to cut down the fees? If this is too much, let him have two or three dollars.

Mr. BABCOCK. That is an entirely different proposition, Mr. Speaker. This is a Commissioners' bill, brought to Congress for the good of the service.

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

GUARDIANSHIP OF INFANTS OR LUNATICS RESIDING WITHOUT THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill H. R. 15970.

The Clerk read as follows:

A bill (H. R. 15970) to amend section 1141 of the "Act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act approved June 30, 1902.

Be it enacted, etc., That section 1141 of the "Act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act approved June 30, 1902, be, and the same is hereby, amended so as to read as follows:

"SEC. 1141. NONRESIDENT INFANT OR LUNATIC.—Whenever an infant or lunatic residing without the District is entitled to property in the District or to maintain any action therein, a general guardian or committee of his estate, appointed by a court of competent jurisdiction in the State or Territory where said infant or lunatic resides, may apply to the court by petition for ancillary letters as such guardian or committee. Said petition must be under oath and be accompanied with duly certified copies of so much of the record and proceedings as shows the appointment of such guardian or committee and that he has given a sufficient bond to account for all property and money that may come into his hands by virtue of the authority hereby conferred. The court may thereupon issue to such guardian or committee ancillary letters as such guardian or committee, without bond and without citation, or may cite such persons as it may think proper to show cause why the said application should be refused."

The amendments recommended by the committee were read, as follows:

Page 1, line 13, before the word "may," insert the following: "or any person at the request of said guardian or committee."

Page 2, strike out all after the word "conferred," in line 7, and insert in lieu thereof the following:

"The court may thereupon issue to such guardian or committee ancillary letters as such guardian or committee, without citation, or may cite such persons as it may think proper to show cause why the said application should be refused; and the said court shall require from such person or persons the security required by law in like cases from a resident guardian or committee."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMENDMENT OF DISTRICT CODE OF LAWS.

Mr. BABCOCK. Mr. Speaker, I now call up the bill H. R. 18589.

The bill was read, as follows:

A bill (H. R. 18589) to amend an act entitled "An act to establish a code of law for the District of Columbia."

Be it enacted, etc., That the following amendment is hereby made to "An act to establish a code of law for the District of Columbia," approved March 3, 1901:

"SEC. 825a. Placing explosives near buildings, and so forth.—Whoever places, or causes to be placed, in, upon, under, against, or near to any building, car, vessel, monument, statue, or structure, gunpowder or any explosive substance of any kind whatsoever, with intent to destroy, throw down, or injure the whole or any part thereof, under such circumstances that if the attempt were accomplished human life or safety would be endangered thereby, although no damage is done, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding ten years, or both."

The amendments recommended by the committee were read, as follows:

Lines 11, 12, and 13, strike out the words "under such circumstances that if the attempt were accomplished human life or safety would be endangered thereby."

Line 16, strike out the comma after the word "years," and also strike out the words "or both."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GRAVE OF MAJ. PIERRE CHARLES L'ENFANT.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill S. 7081, on the Union Calendar. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider the bill which he calls up in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

A bill (S. 7081) to mark the grave of Maj. Pierre Charles L'Enfant.

Be it enacted, etc., That a sum not exceeding $500 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to enable the Commissioners of the District of Columbia to purchase and erect over the grave of Maj. Pierre Charles L'Enfant, at its present location, a tombstone inscribed as said Commissioners shall direct: *Provided*, That the owners of the land whereon said grave is situated shall dedicate a plot of ground, acceptable to said Commissioners, to be reserved in perpetuity as such burial site, and shall also dedicate a permanent right of way for the use of the public over their said land from the adjacent public road to said burial site.

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

CLOSING PART OF ALLEY IN SQUARE 733, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I now call up the bill S. 6088.

The Clerk read as follows:

A bill (S. 6088) authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C.

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed, on the petition of James Cardinal Gibbons, archbishop of Baltimore, the owner of original lots 24, 25, 26, and 27, and sublot 44, in square No. 733, in the city of Washington, D. C., being all the property abutting on that part or portion of an alley 25 feet wide in the eastern part of square No. 733, in said city of Washington, D. C., and running north and south for a distance of 71.83 feet, to declare said part or portion of said alley to be closed and to convey the title thereof to the said James Cardinal Gibbons, archbishop of Baltimore, by deed in fee simple in the name of the United States (the said Commissioners being hereby vested with power and authority so to do) upon the said James Cardinal Gibbons, archbishop of Baltimore, conveying or causing to be conveyed in fee simple to the United States for alley purposes the following part of original lot No. 3, in said square No. 733, to wit: Beginning at the northeast corner of said lot 3 and running thence west 23 feet, thence south 41.83 feet, thence east 23 feet, and thence north 41.83 feet to the place of beginning, and upon the payment to the said Commissioners by said James Cardinal Gibbons, archbishop of Baltimore, of a price per square foot in current money of the United States for the excess in the number of square feet of said part of said alley hereinbefore authorized and directed to be closed, and that part of said original lot 3 hereinbefore mentioned, equal to the true value per square foot of said original lot No. 3, in said square No. 733, as determined by the board of assistant assessors of the District of Columbia, which said deed of conveyance by said Commissioners upon its execution and delivery and the conveyance aforesaid of said hereinbefore first-mentioned part of said original lot No. 3 and the payment of the purchase money aforesaid shall operate to divest the United States of their title to the land composing said part of said alley so conveyed and vest the same in the said James Cardinal Gibbons, archbishop of Baltimore.

SEC. 2. That said part of said original lot 3, when conveyed to the United States, shall be forever used as an alley, and that the said Commissioners upon receipt of the purchase money aforesaid shall cover the same into the Treasury of the United States.

Mr. BABCOCK. Mr. Speaker, that bill also is on the Union Calendar, and I make the same request with this as I did with reference to the former bill.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

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

The SPEAKER. Without objection, a similar House bill upon the Calendar will be laid on the table.

There was no objection.

WASHINGTON MARKET COMPANY.

Mr. BABCOCK. Mr. Speaker, I want to call from the Speaker's table the bill (S. 17008) permitting the Washington Market Company to lay a conduit across Seventh street west.

The SPEAKER. The Chair lays before the House from the Speaker's table the following Senate bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Washington Market Company is hereby authorized to lay a conduit and pipes therein from Center Market eastward across and under Seventh street west for refrigerating purposes, under the following conditions, namely: The conduit and pipes therein shall be laid in a straight direction at a right angle to the building lines of said Seventh street to the west building line of square No. 461 of the city of Washington. They shall be located as directed by the Commissioners of the District of Columbia and be laid under their inspection; and the cost of such inspection, together with the cost of replacing the pavement, curbs, and sidewalks disturbed in connection with said work, shall be paid in advance by the Washington Market Company. The conduit and pipes shall be used for no other purpose than refrigeration for the use of persons engaged in square No. 461 in the traffic in meat and other articles of market produce; and the said company shall not rent or sell the said conduit or pipes, or any part thereof, but may sell for a time not to exceed twelve months at any one sale the use of the fluid transmitted.

SEC. 2. That on violation of any of the above provisions or restrictions the said Commissioners shall require the permittee after thirty days' notice to abandon the use of said conduit and pipes and remove them from said Seventh street, and if said permittee shall neglect or refuse to remove said conduit and pipes and place the surface of Seventh street, including the sidewalks, in good condition within sixty days after the date of said notice, the said permittee shall be deemed guilty of a misdemeanor and shall be liable to a fine of $10 for each and every day that the said conduit and pipes, or any of them, are allowed to remain in said Seventh street, or the said street shall remain out of repair, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

SEC. 3. That Congress reserves the right to amend, alter, or repeal this act.

Mr. BABCOCK. Mr. Speaker, I move that the House concur in the Senate bill, and that House bill 18521, upon the same subject, be laid on the table.

Mr. BAKER. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from New York?

Mr. BABCOCK. Certainly.

Mr. BAKER. I should like to ask, Mr. Speaker, whether this company has paid anything for this privilege?

Mr. BABCOCK. Nothing.

Mr. BAKER. Nor do I understand from the reading of the bill that they propose to pay anything for it.

Mr. BABCOCK. They do not.

Mr. Speaker, this bill provides that the Washington Market Company may lay a 4 or 6 inch pipe under Seventh street to supply refrigerating fluids to their building and to other dealers in meats and produce across the street; that is all. The bill is carefully safeguarded by restrictions to be imposed by the Commissioners, and practically they can order this conduit out at any time they want to.

Mr. BAKER. But, Mr. Speaker, I do not understand that they are paying anything for the privilege. The privilege is evidently of some value, or they would not apply for it. Now, do the Commissioners recommend that this company have the privilege to tunnel the streets of the city of Washington without paying anything for that privilege?

Mr. BABCOCK. That is exactly what they recommended.

Mr. BAKER. On what grounds?

Mr. BABCOCK. The gentleman will have to ask the Commissioners what their grounds of recommendation were.

Mr. BAKER. It seems to me, Mr. Speaker, this is the kind of legislation that this House should not enact—the granting of special privileges, for which the recipients of the special privilege pay nothing whatever. That privilege is evidently of value to these people or they would not apply here to this House for it, and it does seem to me that the District Commissisoners are guilty of neglect in their duty, as the governing body of this city, in not stating to this House what the value of this privilege is, and in not recommending that it be charged for accordingly.

Mr. BABCOCK. Mr. Speaker, the length of this conduit is to be about 50 feet, and the privilege that is given to the Market Company to cross this street is because it is a convenience rather than to cart this fluid across the streets in barrels, as the company are doing at the present time. That is all. It simply enables them to convey this fluid through a pipe.

Mr. BAKER. It is an economy to them, is it not?

Mr. BABCOCK. It is certainly an advantage to the city to get rid of the fluid and the teams that are necessary to haul it on the street.

Mr. BAKER. Well, I still insist, Mr. Speaker, that the District Commissisoners ought to be able to arrive at the approximate value of that privilege, and it seems to me that they ought to have recommended that some charge be made for it. Of course, I am incompetent to express an opinion myself as to its value and therefore I can not proceed further in the matter; but it does seem to me that the District Commissioners ought to be able to say what the value is, and that they ought to recommend to this House some action that will result in those men paying the value of that privilege.

The SPEAKER. The question is on the third reading of the Senate bill.

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

By unanimous consent, on motion of Mr. BABCOCK, the similar House bill (H. R. 18521) was ordered to lie on the table.

WATER TO CHARITABLE INSTITUTIONS.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 17746) authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, and so forth, in the District of Columbia.

The SPEAKER. The gentleman calls up for consideration the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and are hereby, authorized to furnish Potomac water without charge to charitable institutions and such institutions as receive annual appropriations from Congress, to an amount to be fixed in each case by the said Commissioners, not to exceed a rate of 100 gallons per day for each inmate of said institutions; and for all water used beyond such an amount, to be ascertained by water meters installed and maintained at the expense of the consumer, the institution shall be charged at the prevailing rate for the use of water in the District of Columbia, which shall be collected in the manner prescribed for the collection of water rents. The said Commissioners are further authorized to furnish Potomac water without charge to churches to an amount to be fixed in each case by the said Commissioners, and any amount used in excess of the amount allowed, to be ascertained in the manner aforesaid, shall be charged and collected as hereinbefore described. For the purposes of this act a charitable institution is one whose objects are primarily eleemosynary; and nothing herein contained shall be so construed as to include educational institutions other than charity schools wholly supported by voluntary contributions or institutions supported wholly or in part by Congressional appropriations.

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

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

ALLEY IN SQUARE 806, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (H. R. 18136) to close and open an alley in square No. 806, in the city of Washington, D. C.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to vacate and close the existing alley between parts of lots 1 and 8 in square 806 in the city of Washington, providing the owner of said parts of lots 1 and 8 dedicate land for another alley of not less than equal area, to be approved by said Commissioners.

SEC. 2. That the land in the alley closed and vacated shall revert to the owner of the land abutting upon said alley.

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

EXTENSION OF NINETEENTH STREET.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (H. R. 16187) for the extension of Nineteenth street from Woodley road to Mintwood place.

The Clerk read the bill, as follows:

Be it enacted, etc., That within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Nineteenth street from Woodley road to Mintwood place with a uniform width of 50 feet.

SEC. 2. That the entire amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Nineteenth street as herein provided shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid, and the verdict of said jury shall

also be for a sufficient sum to cover all the costs of the condemnation proceedings herein provided for.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia or his deputies upon such owners of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same, including its proportionate share of the cost of the condemnation proceedings herein provided for.

SEC. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

SEC. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

SEC. 8. That when confirmed by the court, the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in two equal annual installments, with interest at the rate of 10 per cent per annum from and after sixty days after the confirmation of the verdict and award.

In all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested.

SEC. 9. That each juror shall receive as compensation the sum of $5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

SEC. 10. That the sum of $300 is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from said assessments for benefits when the same are collected as herein provided.

SEC. 11. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the opening of such street: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided.

During the reading of the bill the following occurred:

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the further reading of this bill be dispensed with for the reason that it is in the exact form of all the bills of this character that have passed the House, and I will yield to the gentleman from Missouri [Mr. COWHERD] to explain its provisions. It does not impose any burden on the Government.

The SPEAKER. It seems to the Chair that bills ought to be read to the House. The Chair will have to object to that request.

The Clerk proceeded with and completed the reading of the bill.

Mr. BABCOCK. Now, Mr. Speaker, I yield to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I offer the following amendment to the bill.

The Clerk read as follows:

Amend the title by striking out the words "Mintwood place" and inserting "Baltimore street."

On page 1, line 10, strike out the words "Mintwood place" and insert "Baltimore street."

Mr. COWHERD. Mr. Speaker, this is just extending the street a little farther through the block and taking it to the next street. Some parties oppose the opening unless it be opened clear through, and this relieves the objection.

Mr. BAKER. Mr. Speaker, I would like to ask a question about this. I would like to ask the gentleman whether this street is out in the suburbs of the city?

Mr. COWHERD. I do not know whether the gentleman would call it in the suburbs or not. If the gentleman knows where the Woodley flat building is on Connecticut avenue, I will say that this street runs near that place. That is Mintwood place, and Nineteenth street is down to the south a block or two.

Mr. BAKER. As I remember there is quite a ditch in that vicinity.

Mr. COWHERD. No; Nineteenth street runs down somewhat in that neighborhood, but the grade, I think, ascends over the property to be taken.

Mr. BAKER. What is the length of the proposed extension?

Mr. COWHERD. It will be one block, running across from Baltimore street through.

Mr. BAKER. Two or three hundred feet?

Mr. COWHERD. Four or five hundred feet, as I recollect.

Mr. BAKER. I would like to ask the gentleman what is the approximate cost to the District? I suppose the District Commissioners have some idea.

Mr. COWHERD. There is no cost to the District; it is assessed against the owners of the land.

Mr. BAKER. The entire cost of opening the street?

Mr. COWHERD. Yes; nothing is charged to the District It is provided in the bill that the jury shall assess the damages against the property benefited thereby.

Mr. BAKER. And the cost of construction?

Mr. COWHERD. I think we put in the costs of the jury.

Mr. BAKER. No; I mean the cost of making the street.

Mr. COWHERD. After the street is opened the cost of improving the street, if the gentleman refers to that, the paving and things of that kind, of course, that cost will come out of the District revenue.

Mr. BAKER. I want to call the attention of the gentleman to language in the President's message in December last, in which he says that there should be public playgrounds. Now, I understand that no provision has been made by the District of Columbia Committee for anything of that kind. No bill has been reported for a public playground.

The President recommends, on page 13 of his message, that these needs should be met immediately, and if they entail expense "a corresponding saving could be made by stopping the building of streets and leveling of grounds for purposes largely speculative in the outlying part of the city."

Mr. COWHERD. This can not be called the outlying part of the city. Mintwood place is built up and the street is improved in that neighborhood. As far as this bill carrying any cost to the District, it does not do so. If the gentleman from New York has any bills to call to the attention of the committee providing for playgrounds for children, I, for one member of the committee, would be glad to consider it in committee.

Mr. BAKER. "The gentleman from New York" will not be here after this improvement is made.

Mr. COWHERD. And neither will "the gentleman from Missouri." [Laughter.]

Mr. BAKER. And therefore it would not be possible for me to make any recommendation. I wanted to call the attention of the gentleman to the fact that the President recommends that the District should do something along this line.

Mr. COWHERD. The obligation to introduce a bill of that

kind lies as much with any Member of the House as it does with the members of the District Committee.

Mr. BAKER. I want to say that so far as I am concerned there is scarcely any Member of the House who is not more familiar with the topography of the District of Columbia than am I.

The amendment was agreed to.

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

The title was amended.

MARTIN T. CROSS.

Mr. CALDERHEAD. Mr. Speaker, I desire to submit a conference report and statement, to be printed under the rule.

The SPEAKER. The gentleman from Kansas desires to present a conference report for printing. The Clerk will report the title.

The Clerk read as follows:

A bill (S. 3651) granting an increase of pension to Martin T. Cross.

The SPEAKER. The report and statement will be printed, under the rule.

JOINING KALORAMA AVENUE WITH PRESCOTT PLACE.

Mr. BABCOCK. Mr. Speaker, I ask the present consideration of the bill H. R. 16917.

The SPEAKER. The gentleman from Wisconsin calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16917) to provide for condemning the land necessary for joining Kalorama avenue and Prescott place.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the further reading of this bill be waived as it is an exact duplicate so far as its provisions of law are concerned with the one just passed. The only difference is in one section, and that is where an appropriation of $300, made to provide for the expense of condemnation, is paid by the abutting property in the other bill, while in this case the $300, or so much of it as is necessary, is appropriated and paid by the District. That is the only difference in the two propositions.

The SPEAKER. This bill is on the Union Calendar. Without objection, it will be considered in the House as in Committee of the Whole. The Chair finds, or is informed, that heretofore touching this class of bills that where one bill has been read and a statement is made that the formal language of the bill is the same as in the bill that is proposed to be acted upon that the Chair has frequently entertained a request to omit the reading. The Chair did not recollect himself of such a practice, so that the Chair will submit the request to the House. The request is to omit the further reading of the bill upon the statement of the gentleman from Wisconsin. Is there objection? [After a pause.] The Chair hears none.

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

EXTENSION OF W STREET NW., WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I call up the bill H. R. 18000.

The SPEAKER. The gentleman from Wisconsin calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18000) authorizing the extension of W street NW.

Mr. BABCOCK. Mr. Speaker, this bill is on the Union Calendar, and I ask that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

Mr. BAKER. Mr. Speaker, I would like to ask whether this bill does not come within the general description of what the President said in his message in reference to the extension of streets into the suburbs of the city, "for purposes largely speculative?" Is not this a section where the population is sparse, and is not it a shoving out of a street through a sparsely settled section?

Mr. BABCOCK. As I understand it, Mr. Speaker, this is located in Georgetown, and if the gentleman will look at this map——

Mr. BAKER. I have looked at the map, but I can not locate it there accurately.

Mr. WILEY of New Jersey. It simply continues the street to where another street crosses it, that is all. It is a sort of blind street at present.

Mr. BABCOCK. Mr. Speaker, I ask that the further reading of this bill be dispensed with, as it puts no burden whatever upon the District of Columbia, and with the amendments that have been recommended by the committee it becomes an exact duplicate of the form of the other bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to dispense with the further reading of this bill upon the statement that it is the same as the first bill that was read——

Mr. BABCOCK. When the amendments offered by the committee are agreed to.

The SPEAKER. When the amendments are agreed to. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Page 5, strike out all of the subject-matter of section 7 and insert in lieu thereof as follows:

"That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia."

Page 6, strike out all of the subject-matter of section 10 and insert in lieu thereof the following:

"The sum of $300 is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto."

The question was taken and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was read the third time, and passed.

EXTENSION OF RITTENHOUSE STREET, WASHINGTON, D. C.

Mr. BABCOCK. Now, Mr. Speaker, I ask the present consideration of the bill H. R. 18881.

The SPEAKER. The gentleman from Wisconsin calls up for present consideration the bill which the Clerk will report.

Mr. BABCOCK. With the request that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill and that it be considered in the House as in the Committee of the Whole. Is there objection?

Mr. BARTLETT. Let us hear what it is.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 18881) for the extension of Rittenhouse street, and for other purposes.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk began the reading of the bill.

Mr. BABCOCK. Now, Mr. Speaker, this bill is in exact form, without inserting any amendment, with the former bill which has just been acted upon, except that this involves no expense whatever upon the District or the General Government.

The SPEAKER. Upon the statement of the gentleman from Wisconsin he asks unanimous consent to dispense with the further reading of the bill.

Mr. PAYNE. Mr. Speaker, has this bill been read at all?

Mr. BAKER. Mr. Speaker, it seems to be distinctly a bill relating to the extension of streets in the suburbs of this city, and seems to controvert the President's recommendations thereon.

Mr. COWHERD. Mr. Speaker, I think if the gentleman from New York [Mr. BAKER] understood this bill he would be heartily in favor of it. There are two roads out in Rock Creek Park and vicinity that run within a short distance of each other; but, as the matter now stands, with no opening through which to get across from one road to the other or from one portion of the country to the other. You have now got to go a mile or two to get across from one to the other. For the school children to cross there, there is a necessity for a little opening from one of those roads to the other, and this matter involves an expenditure of a few hundred dollars. A large part of the property has been dedicated.

Mr. BAKER. That being so, of course the money saved would not buy a very large public playground.

Mr. COWHERD. This provides a place for the school children to go across from one road to the other, without their tramping through the fields or going around, as they do now.

Mr. BAKER. Mr. Speaker, I withdraw my objection.

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

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

AMENDING CHAPTER 55 OF THE DISTRICT OF COLUMBIA CODE.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill S. 2654, and ask unanimous consent to discharge

the Committee of the Whole House on the state of the Union from further consideration of the bill, and that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, what is the bill?

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

An act to amend chapter 55 of "An act to establish a code of law for the District of Columbia."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That chapter 55 of the act of Congress entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, be, and the same is hereby, amended by striking out sections 1608, 1609, 1610, 1611, 1612, and 1613, and inserting in lieu thereof the following:

"SEC. 1608. That the Commissioners of the District of Columbia be, and they are hereby, authorized to open, extend, widen or straighten alleys and minor streets in the District of Columbia under the following conditions, namely: First, upon the petition of the owners of more than one-half of the real estate in the square or block in which such alley or minor street is sought to be opened, extended, widened, or straigthened, accompanied by a plat showing the opening, extension, widening, or straightening proposed; second, when the Commissioners deem that the public interests require such opening, extension, widening, or straightening; third, when the health officer of said District certifies to the necessity for the same on the grounds of public health: *Provided*, That a minor street shall be of a width of not less than 40 feet nor more than 60 feet and shall run through a square or block from one street to another.

"SEC. 1608a. That if in the opening, extension, widening, or straightening of an alley or minor street, or in the extension or widening of public streets or highways, an alley or part of an alley may have been, or may hereafter be, in the judgment of the said Commissioners, rendered useless or unnecessary, said Commissioners are authorized to close the same. That if the alley to be closed is an original alley they may sell the land contained therein for cash at a price not less than the assessed value of contiguous lots. That if the alley is not an original alley the title thereto shall revert to the owners of the land abutting thereon, but all such land shall be subject to the assessment for benefits hereinafter referred to.

"SEC. 1608b. That the said Commissioners are authorized to accept the dedication of an alley or alleys and in connection therewith to close any existing alley or alleys in the square or block in which such dedication is made upon the application of the owners of all the property abutting on such existing alley or alleys. That if the alley proposed to be closed is an original alley the party or parties making the dedication and the parties applying for the closing of the alley or alleys shall present with such application a mutual agreement in writing and under seal, in duplicate, as to the future ownership of the land contained in the alley or alleys to be closed, together with two plats showing the alley or alleys divided into parcels, with the name of the future owner marked on each parcel, in accordance with such agreement. That copies of the order of the Commissioners accepting the dedication and closing the original or subdivisional alley, together with the said agreements and plats in the case of an original alley, shall be forwarded by said Commissioners to the surveyor and recorder of deeds of the District of Columbia for record, and thereafter the title to the land in such subdivisional alley shall revert to the owners of the land abutting thereon, and the title to the land in the original alley shall vest in the parties whose names appear on said plat in accordance with said agreement.

"SEC. 1608c. That the Commissioners are authorized to close any alley or part of alley the width of which is less than 10 feet upon the application in writing of the owners of all the abutting property. If the title to such closed alley is in the United States, the land shall be sold, as provided in section 1608a hereof; and if the title is not in the United States, the land shall revert as provided in said section.

"SEC. 1608d. That whenever the title in fee simple to an entire square is vested in one person or tenants in common or partners, and such owner or owners desire to improve said square by the erection thereon of a building covering not less than two-thirds of the area thereof, or to use said square for the purpose of some business enterprise, the Commissioners are authorized, in their discretion, to order any alley or alleys in such square to be closed, and a copy of said order shall be filed with the surveyor and recorder of deeds of said District for record.

"SEC. 1608e. That whenever it becomes necessary to open, widen, extend, or straighten alleys or minor streets by condemnation the said Commissioners shall institute condemnation proceedings in the supreme court of the District of Columbia, sitting as a district court, by a petition in rem particularly describing the land to be taken, which petition shall be accompanied by duplicate plats to be prepared by the surveyor of said District, showing the courses and boundaries of the alley or minor street proposed to be opened, widened, extended, or straightened, the number of square feet to be taken from each lot or part of lot in the square or block, showing the existing alleys or minor street in said square or block, and such other information as may be necessary for the purposes of such condemnation. Upon the filing of such petition, one copy of the plat, indorsed with the docket number of the case, shall be returned by the clerk of said court to the said surveyor for record in his office.

"SEC. 1608f. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and, in addition to such public notice, said court, whenever in its judgment it is practicable to do so, shall cause a copy of said notice to be served by the United States marshal for the District of Columbia, or his deputies, upon such owners of the fee of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

"SEC. 1608g. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of five judicious, disinterested men, not related to any person interested in the proceedings and not in the service or employment of the District of Columbia or of the United States, to be summoned by the said marshal, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the opening, extension, widening, or straightening of said alley or minor street and the condemnation of lands for the purposes thereof, and assess the benefits resulting therefrom as hereinafter provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the opening, extension, widening, or straightening of said alley or minor street; but all such hearings shall be in the presence of the court and under its supervision and direction. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount found to be due and payable as damages sustained by reason of the said opening, extension, widening, or straightening under the provisions hereof, and of the pieces or parcels of land benefited by such opening, extension, widening, or straightening, and the amount of the assessment for such benefits against the same.

"SEC. 1608h. That if a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from such opening, extension, widening, or straightening, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

"SEC. 1608i. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury in the case, having the qualifications hereinbefore mentioned, shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award: *And provided further*, That if the court is satisfied that part of the verdict or award should be set aside or vacated, then and in that event, at the election of the said Commisioners, the court shall set aside and vacate the entire verdict or award and a new jury shall be summoned in the case as aforesaid. The verdict of a new jury summoned in accordance with the provisions of this section shall be final, and if the amount of damages assessed by any new jury summoned as aforesaid shall not be greater, or if the assessment or benefits shall not be less, than the amount assessed by the jury first summoned, according as the objection to the verdict may have been to the assessment of damages or benefits, the costs of the new jury shall be assessed against the property of the party or parties objecting, but if the party or parties should prevail by the verdict of the new jury, either in increasing his or their damages, or in diminishing the assessment for benefits, then, and in that event, the costs of the new jury shall be paid by the District of Columbia, and if the Commissioners of the District of Columbia do not elect that the entire verdict shall be set aside, and the same be set aside or vacated in part, the residue of the verdict and award shall not be affected thereby.

"SEC. 1608j. That said jury shall assess as benefits accruing by reason of said opening, extension, widening, or straightening an amount equal to the amount of damages as ascertained by them as hereinbefore provided, including $5 per day for the marshal and $5 per day for each juror for the services of each when actually employed, and all other expenses of such proceedings upon each lot or part of lot or parcel of land in the square or block in which such alley or minor street is to be opened, extended, widened, or straightened, and upon each lot, part of lot, or parcel of ground in the squares or blocks confronting the square in which such alley or minor street is to be opened, extended, widened, or straightened, which will be benefited by such opening, extension, widening, or straightening, in the proportion that said jury may find said lots, parts of lots, or parcels of land will be benefited.

"SEC. 1608k. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissisoner of the sinking fund of the District of Columbia, upon the warrants of the Commissioners of said District, out of any funds available therefor: *Provided*, That in all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

"SEC. 1608l. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed and shall be collected as special-improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of 4 per cent per annum from and after sixty days after the date of confirmation until paid. That said court may allow amendments in form or substance in any description of property proposed to be taken, or of property assessed for benefits, whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

"SEC. 1609. That each juror shall receive as compensation the sum of $5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

"SEC. 1610. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the opening, extension, widening, or straightening of such alley or minor street: *Provided, however*, That upon the final determination of said appeal or other proceedings at law or in equity, the amount found to be due and payable as damages sustained by reason of the opening, extension, widening, or straightening of said alley

or minor street under the provisions hereof shall be paid as hereinbefore provided.

"SEC. 1611. That all money derived from the sale of land in which the United States is interested, under the provisions of this act, shall be paid into the Treasury of the United States by the Commissioners of the District of Columbia to the credit of the United States.

"SEC. 1612. That in all cases where plats are required to be made under the provisions of this act, or where the said Commissioners shall deem it necessary that they shall be made in order to more effectually carry out any provision hereof, such plats shall be made by the surveyor of the District of Columbia, who shall require the person or persons desiring the same to deposit in advance a sum to defray the cost of preparing the same; any amount of such deposit remaining after the cost of such plats has been paid shall be refunded to the party so depositing: *Provided*, That plats ordered by the said Commissioners shall be prepared by said surveyor free of cost.

"SEC. 1613. That the validity of any condemnation proceeding under the act of Congress entitled 'An act to provide for the opening of alleys in the District of Columbia,' approved July 22, 1892, or under the act of Congress entitled 'An act to open, widen, and extend alleys in the District of Columbia,' approved August 24, 1894, or under the sections of the code of law for the District of Columbia hereby repealed, shall not be affected by the want of proper notice to any proprietor of land in the square, except as to such proprietor; and if it shall appear to the satisfaction of the Commissioners of the District of Columbia that any such proprietor was not notified as required by said acts the said Commissioners may proceed under this act to condemn the land affected by the want of such notice."

Mr. BAKER. Mr. Speaker, I understand that we are proceeding as in the Committee of the Whole House, and therefore the bill is subject to an amendment at the end of any paragraph.

Mr. BABCOCK. Mr. Speaker, I asked unanimous consent that the bill be considered in the House as in the Committee of the Whole, and I desire to say that no effort will be made to shut out any reasonable amendment at all. There is no intention of that kind.

Mr. BAKER. I am well aware the amendment I am about to offer will not meet with the approval of the committee.

The SPEAKER. The Chair will suggest to the gentleman from New York [Mr. BAKER] that he ask unanimous consent to dispense with the first reading of the bill. Otherwise the bill would have to be read through and then read again after amendment.

Mr. BAKER. Mr. Speaker, I have no desire to delay the proceedings.

The SPEAKER. By unanimous consent the first reading can be dispensed with, and by unanimous consent the gentleman from New York [Mr. BAKER] could offer his amendment.

Mr. BAKER. Mr. Speaker, I ask unanimous consent to offer an amendment.

Mr. BABCOCK. I have no objection. The gentleman from New York [Mr. BAKER] can offer his amendment.

The SPEAKER. The Chair hears no objection.

Mr. BAKER. Mr. Speaker, I offer the following amendment:

That in line 22, page 2, the bill be amended to read as follows:

"That if the alley to be closed is an original alley, they shall lease the land contained therein."

Now, Mr. Speaker, the purpose of offering that amendment is this: I want to raise my protest against this policy. I understand I am proceeding under unanimous consent, Mr. Speaker, having offered my amendment and speaking to it.

The SPEAKER. Let the amendment be reported.

The Clerk read as follows:

In line 22, page 2 of the bill, strike out "sell" and insert "lease," so as to read:

"That if the alley to be closed is an original alley, they shall lease the land contained therein."

The SPEAKER. The gentleman from New York [Mr. BAKER] offers an amendment and is entitled to the floor for five minutes.

Mr. BAKER. Mr. Speaker, I wish to enter a protest here now against this policy of the segregation of any land that belongs to the United States or that belongs, as in this case, to the municipal government of the city of Washington, or any land that belongs to or is to revert to this city.

I am not going to inflict any extended remarks upon the House. I have no desire to take up any unnecessary time; but I have endeavored to point out on other occasions the evil effects which have followed from this policy. But I do desire, approaching as I do the conclusion of my service in this House, to enter an emphatic protest and to point out very briefly the evils that have followed this alienation of public lands; and that term, "public lands," applies just as much to a city lot as it does to 640 acres of land under the timber and stone act, or 160 acres under the homestead law.

The effect of this alienation of public land, this selling it at its present value, is seen in the fearful evils which we all complain of, which we all recognize, but which nobody proposes to alter. The purpose of my amendment to this bill is to prevent a continuation of the policy which is responsible for concentrating land in the hands of a few, caused, as it has been, by the sale of public lands and the granting of special privileges to railroad, telegraph, and telephone companies. No land ever should have been alienated. Communities, as well as the nation, should have reserved all of their land. I grant you that we can not go back and change that now, but we can in this little matter prevent a continuation of this vicious policy. That policy has resulted in the private appropriation of ground rent, vate individuals this land at its present value, the community thus losing the advantage of the value that would subsequently attach to it by reason of increased population, improvements in transportation and exchange, and improvements in government, all of which add to the value of land, but nothing else.

Mr. BABCOCK. If the gentleman will permit me, I will say to him that that provision is the present law.

Mr. BAKER. We can change present law, can we not?

Mr. BABCOCK. But this is merely copied as a whole from the present law.

Mr. BAKER. I am not raising any captious objection to this particular bill or to its phraseology. I am simply entering my protest against a continuation of a policy that is bad. I was about to say, when interrupted by the gentleman from Wisconsin, that the effect of the policy perpetuated in this bill has been that where communities rapidly increase, as great cities like New York, Chicago, Philadelphia, Washington, New Orleans, and San Francisco are increasing, that they have really granted their land rentals to a few individuals, giving to them possession of communal lands, communal property, thereby giving to those people—the Astors, Goelets, Gerrys, Rhinelanders et al.—the resultant enormous unearned increment to which they have no moral title whatever, but which have made them all multimillionaires, every penny of which, however, is a tax upon and is wrung from present-day toil.

It will be remembered that a few weeks ago I called the attention of the House to a bill to reimburse a widow for a one-sixth interest or a one-tenth interest in a plot of ground in San Francisco, taken by the Government of the United States as the site for its mint there fifty years ago, and which is to cost the people now scores of thousands of dollars, although it was all paid for at that time. Why? Because of this policy of allowing the alienating of the land. If that land had been retained by the city of San Francisco at that time, if it had been leased, or if it had been taxed according to its rental value into the public Treasury, as it should have been and should be to-day, the additional value that has accrued to it from time to time as the population increased would have accrued to the city, and it would not have been necessary, nor would it be necessary to-day, to raise a dollar of taxation by a tax on buildings or upon personal property.

I am opposing this bill in its present form because the principle is the same whether there be $5 involved or whether it be a million.

Mr. Speaker, because Henry George's philosophy is the only just and righteous remedy I shall incorporate as an appendix extracts from his book, Social Problems.

Mr. Speaker, the ramifications of this question are endless. Scratch a millionaire or a multimillionaire and you will inevitably find that his millions have been acquired through the possession of a special privilege—generally the special privilege of control over land in some form. For it must be remembered, Mr. Speaker, that the exclusive privilege of carrying on such governmental functions as the transportation of persons and property by either steam railroads or by electric surface, elevated, or subway railroads, or the transmitting of intelligence by telegraphy or telephone, or the supply of water, gas, or electricity, is primarily based upon the control of extremely valuable rights of way—i. e., land.

The giant fortunes of the day constitute the greatest menace which confronts society and have their origin in the possession of valuable land in some form. The trusts and monopolies are based upon these special privileges and no "regulation," either by the Townsend bill or any other, will seriously affect them.

Unless you strike at the root of the trouble—land monopoly—the evils will not only continue but will surely increase, as there is no such thing as standing still in any of the affairs of life; progression or retrogression is the universal law. This country will go on under its present policies, which more and more concentrate wealth and power in the hands of the few, or it will heed the warning of one of the greatest men the world has produced—Henry George—and reverse its present thoroughly vicious policy, substituting therefor the principle for which he contended, to which he devoted and for which he gave up his life—the single tax—the taking through taxation of the rental value of land.

That principle, Mr. Speaker, is the natural, righteous solvent of our terrible social evils; apply it and at once this festering sore of these monstrous unearned fortunes and their inevitable corollary, debasing and degrading poverty, will be done away

with. Then and not until then may we hope to see all men stand erect before their Creator, tall men, sun-crowned men, fearing none, cringing to none, making obeisance to none, all free—no one a slave.

Mr. Speaker, because the subject is so intimately related to this question of expropriating land and its resultant of private absorption of ground rent, in fact, because it is but a phase of this great, overshadowing question of land monopoly, and because the public-service corporations are based upon the exclusive privilege of using the public streets (monopolizing the most valuable land in our cities), and also because these corporations are the most corrupting influence in our political life, I wish to refer briefly to the ever-increasing importance of the question of "municipal ownership."

[Fill out and return to Municipal Ownership League, 61 Court street, Brooklyn, N. Y.]

ENROLLMENT PLEDGE OF MUNICIPAL OWNERSHIP LEAGUE.

[Hon. M. J. Flaherty, chairman; Rev. James M. Wright, vice-chairman; John E. Smalley, secretary; Darwin J. Meserole, treasurer.]

The street railroads (surface, elevated, and subway), gas and electric lighting corporations, the telephone and ferry companies provide totally inadequate service at exorbitant prices, pay the lowest wages to employees for the longest workday, besides being the most corrupting and demoralizing influence in our municipal politics.

Recognizing the impossibility of getting relief from these conditions while these monopolies remain in private hands, we hereby favor municipal ownership and operation of all surface, elevated, and underground railroads, gas and electric lighting plants, telephones, and ferry systems, and we condemn any attempt to turn over to private hands our municipal water system by contracting with Ramapo or any other company for the supply of water.

We demand that the city of New York shall not grant or extend any more franchises, but shall acquire these public-service utilities as rapidly as possible, and shall embark in new enterprises along these lines as the public need demands.

In order to put the above policies into operation before the city's hands are tied by the giving away of franchises, we believe that the people should form a nonpartisan municipal-ownership organization.

Therefore we hereby enroll in the Municipal Ownership League to be in harmony with the above platform, and we pledge ourselves to actively promote the league among the people and to support all its efforts to secure municipal ownership.

Name.	Address.	Assembly district.

Adopted by Convention of Municipal Ownership League February 3, 1905.

Whereas the question of municipal ownership is not a party question and men of all parties are enrolling in this organization; and

Whereas the election of any party or individuals can not accomplish the immediate establishment of our demands, favorable party platforms having deluded us in the past, and many are suspicious of the professed friendship of the politicians just before election; and

Whereas favorable sentiment, no matter how strong, will not avail us unless we have an aggressive and united organization to carry out our principles, and it is the lack of this organization that has delayed the accomplishment of municipal ownership: Therefore be it

Resolved, That it is the sense of this initial meeting of the borough committee representing the various districts throughout this borough that the Municipal Ownership League, now about to be permanently formed, shall be nonpartisan in character and shall not nominate or indorse any candidates for office at the coming election, but shall devote its energies to enrolling and educating the people irrespective of political belief. We believe that once this organization shall become solidly established both parties will gladly do our bidding. We shall find enough to justify our existence in the near future by giving our energies to the abolishment of the self-perpetuating rapid-transit commission, to securing the refusal to grant any new franchises, and the intelligent and constant agitation among the people and organized protest and petition to legislative bodies from time to time to secure the necessary steps in direction of municipal ownership.

FACTS ABOUT MUNICIPAL OWNERSHIP IN GREAT BRITAIN.

[Statement prepared by C. Augustus Haviland, borough of Brooklyn, N. Y., for the information of the governor, legislature, and general public. Published and distributed by the Municipal Ownership League.]

MUNICIPAL GAS PLANTS IN GREAT BRITAIN.

We are not compelled to grope along in the dark as to results of municipal ownership. The facts are before us, and the published records of Great Britain, the Municipal Year Book of 1904, disclose that in the United Kingdom 256 municipalities have their own gas plants and supply all the people, and this, too, at a rate far below that of American cities and at a profit to the municipality.

The net annual profits in each of the cities varied in 1903 from $140 to $350,000. In Manchester, where the supply of gas extends to a community scattered over 29,810 acres, including sixteen outlying townships, the net profit in 1903 was $350,000, and this at a rate of 66 cents per thousand for gas.

In Birmingham, with a 60-cent rate, the net profit was $280,000; Belfast, with a 60-cent rate, $103,000; Nottingham, with a 52-cent rate, $85,665; Dundee, with an 87-cent rate, $41,000; Leicester, with a 54-cent rate, $130,000, and Carlisle, with a 54-cent rate, $29,000. In some cities the rate is as low as 28 cents.

Think of it, Mr. Speaker, gas sold at 60, 54, and even 52 cents a thousand, while the gentlemen whom Thomas W. Lawson calls "the system," that little group of plunderers who control the Standard Oil Company, are compelling the people of New York, through the Consolidated Gas Company and the Brooklyn Union Gas Company—for Rockefeller, Rogers, and Stillman absolutely control both—to pay a dollar for gas which every year is increasingly poorer and which, because of the deleterious cheap materials of which the gas is made, causes the loss of hundreds of lives every year. Great is philanthropy.

Official report of some of the municipal gas profits in 1902 in Great Britain.

Aberdeen	$10,017	Macclesfield	$27,935
Barrow-in-Furness	27,975	Manchester	667,395
Batley	22,810	Neath	22,045
Belfast	142,440	Nelson	18,575
Birkenhead	60,910	Newbury	7,490
Blackburn	21,565	Newcastle-on-Tyne	9,260
Blackpool	70,085	Newton	14,360
Bolton	25,615	Nottingham	181,690
Bolton	81,750	Oldham	93,805
Burnley	28,510	Paisley	49,400
Burton-upon-Trent	41,375	Ramsgate	5,495
Bury	28,200	Rochdale	64,300
Darlington	49,720	Rotherham	20,265
Darwen	16,015	Salford	153,005
Devonport	4,135	St. Helens	45,250
Doncaster (four years' average profit)	12,904	Southport	50,430
		Stafford	10,110
Dewsbury	24,485	Stayleybridge	16,115
Glasgow	240,520	Stockport	44,675
Greenock	22,665	Stockton	46,495
Halifax	50,245	Stoke	21,235
Hull (average for four years)	12,940	Stratford-upon-Avon	3,615
Huddersfield	1,930	Wallasey	56,075
Keighley	56,145	Walsall	29,235
Lancaster	7,500	Warrington	41,910
Leeds	55,090	West Bromwich	20,290
Leicester	130,090	Widnes, with gas 28 cents per 1,000	18,790
Lincoln	8,075		
Longton	10,875	Wigan	27,750

THE WORKINGS OF ELECTRICITY.

In 1903 there were 155 corporations in Great Britain owning and operating electrical plants and serving the people with light at great reduction of rates, and about 200 other municipalities entering upon the construction of such works.

In all the cities operating electrical plants the published facts disclose that, while light was being furnished at reduced rates, there was profit in nearly every case to the municipality, some of the profits reaching as high as $500,000 to a single city, and with these facts published in book form and known to all who investigate such matters, we are told by some very worthy people that in asking for municipal ownership and municipal control of public utilities we are advocating "socialism." Yet these people who thus assail us and the corporate jobbers whom they serve know full well that not a man of the Municipal Ownership League has any intention of interfering with vested rights or of taking property of citizens without just compensation.

What we ask is that what prosperous cities of foreign countries have tried with success we may be allowed to try; that we may be allowed to have home rule for our people and be placed in a position to retrieve all errors of the past when we find errors have been committed.

ELECTRICAL PROFITS OF SOME MUNICIPALITIES.

Aberdeen	$79,560	Ayr	$23,630
Battersea	14,700	Belfast	66,745
Birkenhead	29,280	Birmingham	173,145
Blackburn	57,710	Blackpool	42,350
Brighton	175,920	Bolton	104,035
Bradford	188,845	Burnley	38,800
Bristol	135,825	Canterbury	15,265
Cardiff	53,150	Carlisle	8,520
Cheltenham	33,690	Chester	33,420
Coventry	21,925	Croyden	90,745
Derby	50,335	Dublin	29,785
Ealing	50,700	Eastbourne	52,735
Edinburgh	310,625	Glasgow	379,325
Greenock	27,355	Hackney	67,665
Halifax	64,840	Hampstead	113,655
Hammersmith	54,565	Hanley	30,695
Harrogate	32,470	Hastings	38,240
Huddersfield	70,775	Hull	79,040
Islington	77,905	Leeds	200,950
Leicester	78,675	Leith	31,860
Leyton	38,980	Liverpool	499,725
Manchester	424,265	Newport	37,915
Nottingham	158,480	Oldham	63,060
Plymouth	41,845	Portsmouth	71,010
St. Helens	41,045	St. Pancras	163,655
Salford	133,630	Sheffield	157,225
Southampton	59,690	Southport	61,815
Wimbleton	35,440	Wolverhampton	88,485

MUNICIPAL TRAMWAYS IN GREAT BRITAIN.

Of tramways the Municipal Yearbook of 1904 says: "No branch of municipal enterprise has made such rapid progress during recent years as that relating to tramways. Almost without exception every large town has completely municipalized the tramways, or is about to do so. The expiration of tramway companies' leases coincides with the introduction of new methods of traction, and before many years the facilities for rapid transit in our great centers of population will be completely revolutionized. So municipal corporations, anxious to get tramways completely under their control at the earliest possible moment, do not in some cases wait for leases to expire, but buy out the companies on terms which are profitable to the community. It is considered that no tramway service can be of the fullest benefit to the people unless it is operated as well as owned by the municipality.

"Every town is seeking to introduce electrical or other mechanical traction, and, as in the majority of cases the corporation owns the electric lighting supply, the introduction of electric traction will prove

of great advantage, since the combination of the two public services is bound to result in a higher standard of economical working."

The first municipal tramway, or street-car service, in Great Britain was in Huddersfield in 1882; Plymouth followed in 1893, and Leeds in 1894, and there are now 142 tramways, or street railways, owned and operated by municipalities of Great Britain.

The net profit of all municipal tramway lines of the United Kingdom is fully disclosed each year through the board of trade returns, and for the year ending June 30, 1903, as to some of the cities, was reported as follows:

Aberdeen	$123,025	Ayr	$34,170
Blackpool	79,975	Blackburn	82,440
Bolton	192,580	Brighton	60,425
Dundee	68,695	Glasgow	1,761,285
Huddersfield	105,110	Halifax	77,265
Hull	217,020	Leeds	585,795
Liverpool	868,070	Manchester	619,855
Newcastle	322,545	Nottingham	271,750
Portsmouth	234,945	Southampton	99,635
Sunderland	124,525	Sheffield	573,830
Salford	208,040	Southport	25,775

And this with average rate per passenger less than 3 cents.

What a shock this table will give our street railway barons—the Belmonts, Ryans, Wideners, Elkins, et al.—who have probably not scooped more than a hundred and fifty millions of dollars out of the people of New York and Philadelphia during the last twenty years through excessive fares and by alternately boosting and depressing prices of these stocks on the stock exchange. They had better troop out their "widows and orphans" again, or the people may be asking with increasing emphasis, "Why can't we have an equally good service at as low a rate?"

But, Mr. Speaker, there is one thing that Mr. Haviland has failed to mention. I speak from memory, but I am close to the facts when I say that 87 per cent of the passengers in Glasgow paid 2 cents or less. Doesn't this give an insight into the enormous profits of our local transportation companies, which the men I have referred to cover up by a little financial legerdemain, capitalizing and recapitalizing the surface, elevated, and subway companies until the actual amount of capital invested in the building and equipment of these roads is "watered" four, five, and even six times, and it is upon this perfect deluge of "water" that these men demand that dividends shall be paid, and the people of New York, Philadelphia, Chicago, and other large cities have heretofore submitted to the extortion.

TRAMWAYS IN LONDON.

London owns only 88 miles of its tramways, but is fast taking over all its transit lines. Like New York, it has been held back by speculators and the cry of "socialism." The Municipal Yearbook thus alludes to the tramway service in that city:

"Municipal ownership has benefited not only the general body of rate-payers, but also the tramway employees. Both the service and the status of the workmen have been improved. Of the advantages conferred upon London in both directions are the following: Relief of the tax rate through profits of the undertaking, the institution of all-night car service, the running of workmen's cars at reduced rates, reduced fares for ordinary passengers on many of the principal routes, the removal of advertisements from the windows of the cars, the institution of a ten-hour day (or sixty hours per week) for all tramway employees, the recognition of the principle of one day's rest in seven, increased wages for employees, and provision of uniforms for drivers and conductors."

Nearly every municipality of England has a scheme in progress for the building and taking over of all tramways.

Amsterdam, in Holland, has recently taken over all its tramways, improved the service, and increased the wages of employees.

MUNICIPAL TELEPHONES IN GREAT BRITAIN.

In Great Britain, where municipal ownership and control of public utilities have been under way for many years, the telephone is receiving that consideration which is demanded in every progressive community, and success seems to crown the effort, even in its infancy.

Glasgow, the most progressive city of the United Kingdom, initiated the movement for municipal telephones in April, 1901. It fixed the tariff for unlimited service at $26.25 per annum over a system covering 143 square miles. On December 31, 1903, the number of instruments in use was 10,632, and on the operations of 1903 there was a surplus of $10,460, after providing for interest on loans, working expenditures, post-office royalty, and terminal fees.

In Guernsey there are two tariff rates—one of $7.50 a year and 2 cents (American money) each call; the other rate being $25 annual tariff, with allowance of 3,200 calls, without further payment. The net profit in 1902 was $977.

In Brighton the service opened in October, 1903, with a tariff of unlimited rate, $27.50 per annum.

In Portsmouth, on December 31, 1903, there were 1,460 working instruments, with an unlimited-service rate of $28.

We want no halfway measures, but those giving full power and authority—entire home rule—to protect our people, and to relieve a community from the wrongdoing of those who, through mercenary motives, take from our people that to which they have no legal right.

Give us home rule. Give us just and proper laws, and if we do not select officials to right the wrongs it will be our own fault.

Respectfully submitted.

C. AUGUSTUS HAVILAND.

Because it is a leader among the magazines whose columns are devoted entirely to the presentation of the rights of the people as against the oppressions and tyrannies of special privilege, I shall incorporate as a part of my remarks excerpts from articles on this subject of "municipal ownership" from the Arena for February.

The editor of the Arena, B. O. Flower, was one of the pioneers in this fight, as he has been a pioneer on most of the other great questions which are now agitating the public mind.

It is because such men as Mr. Flower, through the Arena, and Louis F. Post, of Chicago, through his paper, the Public, have been for years blazing the way for this reform that public opinion is now rapidly crystallizing into an overwhelming demand for immediate municipal ownership as the only solution for the evils of private exploitation, so manifest in every large city in totally inadequate service—in Brooklyn it is not an uncommon thing for one to have to wait twenty minutes for a car in the evening on its principal thoroughfare, Fulton street—extortionate fares, accompanied by excessive hours of labor and low wages to their employees, together with a regular saturnalia of corruption both of public officials and of the electorate.

Mr. Flower's commendation of a Member of this House, my colleague, Mr. HEARST, is a thoroughly deserved one, as it is inconceivable that the voters of New York, Chicago, and Boston could be so well informed concerning the scandalous conduct of these public-service corporations, if he had not through his newspapers so persistently conducted a fight for municipal ownership. All three cities are indebted to him for the great work he has done in exposing the villainies of the public-service corporations.

In Chicago his paper was the only one to champion the cause of the people against the Morgan-Field-Mitchell street-railroad combine and to support the referendum petition, which carried, I am glad to say, by an overwhelming vote, in spite of the open or covert opposition of the other papers there.

ADVANCE IN PUBLIC OWNERSHIP.

[From the Arena, Trenton, N. J., for February.]

In the case of the municipal telephones in Glasgow the service seems to eclipse that of the private companies anywhere else in the world. On this point Frederick Adams, after personal investigation, writes in the Brooklyn Eagle:

"The Glasgow telephone service is the best I have ever inspected. Mr. Bennett informed me that statistics showed that the average time required to make a connection was less than fifteen seconds. It should be explained that the telephone booth is practically unknown in the office of a Glasgow business man. The instrument is on the edge of his desk and the receiver and transmitter are in one piece. This aluminum device is connected with a wire cord, and the customer may converse leaning back in his chair or walking about the room, as he prefers. It is a most decided improvement over the clumsy and antiquated system which yet prevails in most exchanges in the United States."

Note, Mr. Speaker, "the Glasgow telephone service is the best I have inspected," and that statistics showed average time required to make connections "was less than fifteen seconds."

Where is the boasted superiority of private companies? If the New York Telephone Company, or if the New York and New Jersey Telephone Company wants to "throw a scare" into its subscribers it should reduce the "average" time for connections to twice that of the municipal service in Glasgow.

Perhaps it is the low price these companies charge for an unlimited service, from $210 to $225, I believe, which prevents their competing in this respect with Glasgow.

Some idea of the rapid increase in the net revenues may be gained from the following figures taken from the corporation telephone department's report for the years ending May 31. In 1902 the net revenue was $68,647. In 1903 it had risen to $170,518; and in 1904 it reached $241,742.

Outside of the London post-office telephone system, the Glasgow municipal plant is the largest underground system in Great Britain.

In England the public authorities seem more sane and honest than those in America; at least, they are far less subservient to public-service corporations and more loyal to the interests of the people. It has been a frequent policy of the private-service corporations with us to secure so-called experts, who, either before the people's servants or through the press, warned the public against the dangers of loss through public ownership. Corporations like the Boston Elevated Railway Company, which are pouring from three to four million dollars every year into the pockets of a comparatively few overrich stockholders and their pliant tools, are always very solicitous lest a city should commit the grave folly of taking over the municipal utilities; but these alarmist cries that make the way so easy for the people's servants who wish to see matters through the spectacles of the overrich corporations, have little influence in England, where the municipal authorities place the interests of the people before the interests and emoluments of a few individuals. A striking case of this kind is cited by Mr. Dagger in his story of the success of Portsmouth with municipal telephones.

"The results achieved," he tells us, "with this exchange are interesting as proving how worthless are opinions of experts whose evidence is put forward by the monopolies for the purpose of preventing the establishment of municipal undertakings. At the Portsmouth local government board inquiry, two witnesses were put forward by the National Telephone Company to oppose the granting of borrowing powers to build the plant. They were J. E. Kingsbury, English manager for the Western Electric Company, of Chicago, a 'Bell' corporation, and Herbert Laws Webb, late engineer to the New York Telephone Company (also 'Bell'). The following are extracts from their evidence:

Q. In your view, will this business be a financial success?—A. (J. E. Kingsbury.) No; I do not see how it can.

Q. Do you think it commercially sound?—A. I think it quite uncommercial.

Q. Are the [proposed] rates remunerative?—A. (H. L. Webb.) I do not think that they can possibly be remunerative.

Q. Will the undertaking be a charge on the rates?—A. I think it will be a charge on the rates.

The citizens of Portsmouth were not to be deceived by the testimony

of these so-called experts. In spite of their warning, the city installed her own telephone plant. The receipts for last year, up to March 31, averaged $17.50 per telephone (the unlimited service is $28.61; limited, $17.54 and $12.18). After deducting the post-office department's royalty the telephone receipts averaged $15.79 per instrument, and this enabled the city to pay operating and maintenance expenses, etc. The net revenue amounted to a dividend of 9 per cent on the captal expended, out of which interest and sinking funds were deducted, leaving $6.136 for depreciation fund.

These cities furnish examples of the actual practical results of public ownership of public utilities. How much longer will our people submit to being plundered to make others overrich, and, what is worse, submit to a spoliation which almost invariably leads to the corrupting of the people's servants?

The Arena tells us that the people of Portsmouth (England) were not deceived by this "expert" testimony. The people of the United States, Mr. Speaker, have within recent years, ever since this question of municipal ownership has become generally discussed, been treated to reams upon reams of similar "expert" testimony, the most prolific "expert" being that entirely disinterested gentleman Robert P. Porter, whom the public-service corporations of our big cities sent abroad to collect *data which* was to prove the folly of municipal ownership. They have doubtless paid him scores of thousands of dollars foi his work, as his articles decrying what he is pleased to call "municipal socialism," have appeared in many of our large newspapers. I think, however, instead of helping his employers' cause he has injured it by provoking discussion and investigation, which was the last thing they really wanted. But having obtained their millions so easily it is not surprising they let a few thousands go in the attempt to hoodwink the people they are robbing.

WHY THE GAS TRUST IN TWO CITIES SEES PERIL IN YELLOW JOURNALISM.

It is doubtful whether the terrors of yellow journalism have ever before proved such a nightmare to the extortionate gas monopolies of New York and Boston, and to recreant public officials as of late. During the past few months Mr. HEARST has exposed the shameful and disgraceful methods by which the mayor and comptroller of New York sought to turn over $9,000,000 to the gas trust. The public servants in the great metropolis strove in every way to consummate these iniquitous proceedings, but Mr. HEARST laid bare their action in his paper, attacked them in the courts, and finally secured a permanent injunction preventing the payment of the $9,000,000, to the great chagrin of the discredited mayor and the exasperation of the grasping monopoly.

In Boston an aggressive movement on the part of the various gas companies that constitute the gas monopoly of Boston and her environs was attacked by Mr. HEARST, first in the Boston American and later before the State commissioners. When the case was brought before the officials Mr. HEARST, through his attorneys, presented the petition of 70,000 of the citizens of Boston asking that the present exorbitant price of $1 per thousand cubic feet be reduced to 80 cents per thousand. The trust, as usual, was represented by the ablest legal ability and felt confident in its power to defeat the just demands of a long-suffering and shamefully plundered public.

But Mr. HEARST created consternation in the monopolistic family when he brought from Cleveland, Ohio, Professor Edward Bemis, the famous gas expert, who, after an exhaustive examination, made a merciless exposé of the preposterous claims of the gas combine. He showed, for example, that from their own figures the Brookline Gas Company, which is one of the gas corporations in the present monopoly, could during the past seven years have paid 7 per cent on its entire capitalization and yet only have charged the public 80 cents per thousand for gas.

One of the State commissioners has from the first displayed a sense of fairness and that judicial impartiality which should always characterize officials acting in the capacity of judges. The other two commissioners, however, have shown a strong bias in favor of the views presented by the gas trust and its special pleaders, one of the commissioners, Mr. George, going so far as to declare, when he refused to call for certan books which the people's representatives asked should be presented before the commission, that "the law says that we shall settle this question, and not the community," thereby displaying that insolent arrogance which has marked the most offensive and odious puppets of despotism in olden times, but which is not supposed to be exhibited by the people's servants in a republic.

The impudent remark of Commissioner George, in which he expresses so much contempt for the will, desire, and demand of the community he is supposed to represent, affords another powerful reason why every American voter should place the demand for the enjoyment of democratic government through direct legislation above all other immediate demands. The people's servants have come to hold their employers in contempt and to frequently act as though they held briefs from the oppressors and plunderers of individuals and communities.

I also have here, Mr. Speaker, a clipping from Leslie's Weekly, which throws additional light on the extent of the extortion of "the system," as Mr. Lawson calls it, for it must be remembered that the Consolidated Gas Company is merely another name for Rockefeller, Rogers, and Stillman.

[From Leslie's Weekly.]

MAKING MILLIONS IN A DAY—INFLATED CAPITALIZATION AND THE OPPRESSION SPRINGING FROM IT.

The amazing statement was made before the City Club of New York recently that while the aggregate nominal capital of all the companies which entered into the Consolidated Gas Company of New York in 1884 was $17,000,000, on the same day of the consolidation this capital was raised to $39,000,000, although "no capital was contributed to the consolidated company except that which was transferred to it by the several constituent companies."

In other words, $22,000,000 was made in a day by those who manipulated the combination, and on this vast amount of water the citizens of New York who patronize the gas company must pay interest, for all of the Consolidated Gas Company's stocks and bonds sell above par and pay good rates of dividends or interest. One of the constituent companies was allotted $7,500,000 of the new capital stock, though the entire amount its stockholders had paid into the company was $750,000, and they had taken out of it in dividends during the fifty years of its existence over $15,000,000—that is, they had received their original investment back twenty times over.

It was the former commissioner of water, gas, and electricity, under Mayor Low, Mr. Robert Grier Monroe, an excellent authority, who made this astonishing statement, and he followed it by another disclosure, equally astonishing, to the effect that in 1898 the independent electric-light companies in the Borough of Manhattan had an aggregate capital of stock and bonds of $26,000,000, but when these were absorbed by the Edison Company this capital was raised to $45,000,000 of stock and $40,000,000 of bonds, and that the citizens of New York are now paying about $4,000,000 annually above the cost of producing and delivering the electric current. On the same basis he shows that if the water supply of the city, which is now conducted by the corporation, were in private hands, the citizens of New York last year would have expended for their water from $15,000,000 to $20,000,000 instead of $5,000,000. Mr. Monroe added, and those who are familiar with the facts know that it is true, that "the lighting combination is powerful and dangerous because it includes among its members city officials and members of the legislature."

[From Henry George's Social Problems.]

CHAPTER I.—THE INCREASING IMPORTANCE OF SOCIAL QUESTIONS.

There come moments in our lives that summon all our powers—when we feel that, casting away illusions, we must decide and act with our utmost intelligence and energy. So in the lives of peoples come periods specially calling for earnestness and intelligence.

We seem to have entered one of these periods. Over and again have nations and civilizations been confronted with problems which, like the riddle of the Sphinx, not to answer was to be destroyed; but never before have problems so vast and intricate been presented.

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In a simpler state master and man, neighbor and neighbor, know each other, and there is that touch of the elbow which in times of danger enables society to rally. But present tendencies are to the loss of this. In London, dwellers in one house do not know those in the next; the tenants of adjoining rooms are utter strangers to each other. Let civil conflict break or paralyze the authority that preserves order and the vast population would become a terror-stricken mob, without point of rally or principle of cohesion, and London would be sacked and burned by an army of thieves. London is only the greatest of great cities. What is true of London is true of New York, and in the same measure true of the many cities whose hundreds of thousands are steadily growing toward millions. These vast aggregations of humanity, where he who seeks isolation may find it more truly than in the desert; where wealth and poverty touch and jostle; where one revels and another starves within a few feet of each other, yet separated by as great a gulf as that fixed between Dives in hell and Lazarus in Abraham's bosom—they are centers and types of our civilization. Let jar or shock dislocate the complex and delicate organization, let the policeman's club be thrown down or wrested from him, and the fountains of the great deep are opened, and quicker than ever before chaos comes again. Strong as it may seem, our civilization is evolving destructive forces. Not desert and forest, but city slums and country roadsides are nursing the barbarians who may be to the new what Hun and Vandal were to the old.

Nor should we forget that in civilized man still lurks the savage. The men who, in past times, oppressed or revolted, who fought to the death in petty quarrels and drunk fury with blood, who burnt cities and rent empires, were men essentially such as those we daily meet. Social progress has accumulated knowledge, softened manners, refined tastes, and extended sympathies, but man is yet capable of as blind a rage as, when clothed in skins, he fought wild beasts with a flint. And present tendencies, in some respects at least, threaten to kindle passions that have so often before flamed in destructive fury.

There is in all the past nothing to compare with the rapid changes now going on in the civilized world. It seems as though in the European race, and in the nineteenth century, man was just beginning to live—just grasping his tools and becoming conscious of his powers. The snail's pace of crawling ages has suddenly become the headlong rush of the locomotive, speeding faster and faster. This rapid progress is primarily in industrial methods and material powers. But industrial changes imply social changes and necessitate political changes. Progressive societies outgrow institutions as children outgrow clothes. Social progress always requires greater intelligence in the management of public affairs; but this the more as progress is rapid and change quicker.

And that the rapid changes now going on are bringing up problems that demand most earnest attention may be seen on every hand. Symptoms of danger, premonitions of violence, are appearing all over the civilized world. Creeds are dying, beliefs are changing; the old forces of conservatism are melting away. Political institutions are failing, as clearly in democratic America as in monarchical Europe.

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The progress of civilization requires that more and more intelligence be devoted to social affairs, and this not the intelligence of the few, but that of the many. We can not safely leave politics to politicians or political economy to college professors. The people themselves must think, because the people alone can act.

In a "journal of civilization" a professed teacher declares the saving word for society to be that each shall mind his own business. This is the gospel of selfishness, soothing as soft flutes to those who, having fared well themselves, think everybody should be satisfied. But the salvation of society, the hope for the free, full development of humanity, is in the gospel of brotherhod—the gospel of Christ. Social progress makes the well-being of all more and more the business of each; it binds all closer and closer together in bonds from which none can escape. He who observes the law and the proprietics and cares for his family, yet takes no interest in the general weal and gives no thought to those who are trodden under foot, save now and then to bestow alms, is not a true Christian. Nor is he a good citizen. The duty of the citizen is more and harder than this.

The intelligence required for the solving of social problems is not a mere thing of the intellect. It must be animated with the religious sentiment and warm with sympathy for human suffering. It must stretch out beyond self-interest, whether it be the self-interest of the few or the many. It must seek justice. For at the bottom of every social problem and we will find a social wrong.

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CHAPTER II.—POLITICAL DANGERS.

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It is difficult for anyone to turn from the history of the past to think of the incomparable greatness foreshadowed by the rapid growth of the United States without something of awe—something of that feeling which induced Amasis of Egypt to dissolve his alliance with the successful Polycrates, because "the gods do not permit to mortals such prosperity." Of this, at least, we may be certain: The rapidity of our development brings dangers that can only be guarded against by alert intelligence and earnest patriotism.

There is a suggestive fact that must impress anyone who thinks over the history of past eras and preceding civilizations. The great, wealthy, and powerful nations have always lost their freedom; it is only in small, poor, and isolated communities that liberty has been maintained. So true is this that the poets have always sung that Liberty loves the rocks and the mountains; that she shrinks from wealth and power and splendor, from the crowded city and the busy mart. So true is this that philosophical historians have sought in the richness of material resources the causes of the corruption and enslavement of peoples.

Liberty is natural. Primitive perceptions are of the equal rights of the citizen, and political organization always starts from this base. It is as social development goes on that we find power concentrating and institutions based upon the equality of rights passing into institutions which make the many the slaves of the few. How this is we may see. In all institutions which involve the lodgement of governing power there is, with social growth, a tendency to the exaltation of their function and the centralization of their power, and in the stronger of these institutions a tendency to the absorption of the powers of the rest. Thus the tendency of social growth is to make government the business of a special class. And as numbers increase and the power and importance of each become less and less, as compared with that of all, so, for this reason, does government tend to pass beyond the scrutiny and control of the masses. The leader of a handful of warriors, or head man of a little village, can only command or govern by common consent, and any one aggrieved can readily appeal to his fellows. But when the tribe becomes a nation and the village expands to a populous country the powers of the chieftain, without formal addition, become practically much greater. For with increase of numbers scrutiny of his acts becomes more difficult, it is harder and harder to successfully appeal from them, and the aggregate power which he directs becomes irresistible as against individuals. And gradually, as power thus concentrates, primitive ideas are lost, and the habit of thought grows up which regards the masses as born but for the service of their rulers.

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The tendency in all branches of industry is to the formation of rings against which the individual is helpless, and which exert their power upon government whenever their interests may thus be served.

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The rise in the United States of monstrous fortunes, the aggregation of enormous wealth in the hands of corporations, necessarily implies the loss by the people of governmental control. Democratic forms may be maintained, but there can be as much tyranny and misgovernment under democratic forms as any other—in fact, they lend themselves most readily to tyranny and misgovernment. Forms count for little. The Romans expelled their kings and continued to abhor the very name of king, but under the name of "Cæsars" and "imperators," that at first meant no more than our "boss," they crouched before tyrants more absolute than kings. We have already, under the popular name of "bosses" developed political Cæsars in municipalities and States. If this development continues, in time there will come a national boss. We are young; but we are growing. The day may arrive when the "boss of America" will be to the modern world what Cæsar was to the Roman world. This, at least, is certain: Democratic government in more than name can only exist where wealth is distributed with something like equality—where the great mass of citizens are personally free and independent, neither fettered by their poverty nor made subject by their wealth. There is, after all, some sense in a property qualification. The man who is dependent on a master for his living is not a free man. To give the suffrage to slaves is only to give votes to their owners. That universal suffrage may add to instead of decreasing the political power of wealth we see when mill owners and mine operators vote their hands. The freedom to earn, without fear or favor, a comfortable living, ought to go with the freedom to vote. Thus alone can a sound basis for republican institutions be secured. How can a man be said to have a country where he has no right to a square inch of soil; where he has nothing but his hands, and, urged by starvation, must bid against his fellows for the privilege of using them? When it comes to voting tramps some principle has been carried to a ridiculous and dangerous extreme. I have known elections to be decided by the carting of paupers from the almshouse to the polls. But such decisions can scarcely be in the interest of good government.

Beneath all political problems lies the social problem of the distribution of wealth. This our people do not generally recognize, and they listen to quacks who propose to cure the symptoms without touching the disease. "Let us elect good men to office," say the quacks. Yes; let us catch little birds by sprinkling salt on their tails!

It behooves us to look facts in the face. The experiment of popular government in the United States is clearly a failure. Not that it is a failure everywhere and in everything. An experiment of this kind does not have to be fully worked out to be proved a failure. But speaking generally of the whole country, from the Atlantic to the Pacific, and from the Lakes to the Gulf, our government by the people has in large degree become, is in larger degree becoming, government by the strong and unscrupulous.

The people, of course, continue to vote; but the people are losing their power. Money and organization tell more and more in elections.

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The people are largely conscious of all this, and there is among the masses much dissatisfaction. But there is a lack of that intelligent interest necessary to adapt political organization to changing conditions. The popular idea of reform seems to be merely a change of men or a change of parties, not a change of system. Political children, we attribute to bad men or wicked parties what really springs from deep general causes. Our two great political parties have really nothing more to propose than the keeping or the taking of the offices from the other party. On their outskirts are the Greenbackers, who, with a more or less definite idea of what they want to do with the currency, represent vague social dissatisfaction; civil-service reformers, who hope to accomplish a political reform while keeping it out of politics; and antimonopolists, who propose to tie up locomotives with pack thread. Even the labor organizations seem to fear to go further in their platforms than some such propositions as eight-hour laws, bureaus of labor statistics, mechanics' liens, and prohibition of prison contracts.

All this shows want of grasp and timidity of thought. It is not by accident that government grows corrupt and passes out of the hands of the people. If we would really make and continue this a government of the people, for the people, and by the people, we must give to our politics earnest attention; we must be prepared to review our opinions, to give up old ideas, and to accept new ones. We must abandon prejudice and make our reckoning with free minds. The sailor who, no matter how the wind might change, should persist in keeping his vessel under the same sail and on the same tack, would never reach his haven.

CHAPTER III.—COMING INCREASE OF SOCIAL PRESSURE.

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We still talk of our vast public domain, and figures showing millions and millions of acres of unappropriated public land yet swell grandly in the reports of our Land Office. But already it is so difficult to find public land fit for settlement that the great majority of those wishing to settle find it cheaper to buy, and rents in California and the new Northwest run from a quarter to even one-half the crop. It must be remembered that the area which yet figures in the returns of our public domain includes all the great mountain chains, all the vast deserts and dry plains, fit only for grazing, or not even for that; it must be remembered that what is really fertile, millions and millions of acres are covered by railroad grants as yet unpatented, or what amounts to the same thing to the settler, are shadowed by them; that much is held by appropriation of the water without which it is useless; and that much more is held under claims of various kinds, which, whether legal or illegal, are sufficient to keep the settler off unless he will consent to pay a price, or to mortgage his labor for years.

Nevertheless, land with us is still comparatively cheap. But this can not long continue. The stream of immigration that comes swelling in, added to our steadily augmenting natural increase, will soon now so occupy the available lands as to raise the price of the poorest land worth settling on to a point we have never known. Nearly twenty years ago Mr. Wade, of Ohio, in a speech in the United States Senate, predicted that by the close of the century every acre of good agricultural land in the Union would be worth at least $50. That his prediction will be even more than verified we may already see. By the close of the century our population, at the normal rate of increase, will be over forty millions more than in 1880. That is to say, within the next seventeen years an additional population greater than that of the whole United States at the close of the civil war will be demanding room. Where will they find cheap land? There is no further West. Our advance has reached the Pacific, and beyond the Pacific is the East, with its teeming millions. From San Diego to Puget Sound there is no valley of the coast line that is not settled or preempted. To the very farthest corners of the Republic settlers are already going.

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CHAPTER IV.—TWO OPPOSING TENDENCIES.

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But there is in the conditions of the civilized world to-day something more portentious than a growing restiveness under evils long endured. Everything tends to awake the sense of natural equality, to arouse the aspirations and ambitions of the masses, to excite a keener and keener perception of the gross injustice of existing inequalities of privilege and wealth. Yet, at the same time, everything tends to the rapid and monstrous increase of these inequalities. Never since great estates were eating out the heart of Rome has the world seen such enormous fortunes as are now arising. And never more utter proletarians. In the paper which contained a many-column account of the Vanderbilt ball, with its gorgeous dresses and its wealth of diamonds, with its profusion of roses, costing $2 each, and its precious wines flowing like water, I also read a brief item telling how, at a station house nearby, thirty-nine persons—eighteen of them women—had sought shelter, and how they were all marched into court next morning and sent for six months to prison. "The women," said the item, "shrieked and sobbed bitterly as they were carried to prison." Christ was born of a woman. And to Mary Magdalen he turned in tender blessing. But such vermin have some of these human creatures, made in God's image, become, that we must shovel them off to prison without being too particular.

The railroad is a new thing. It has scarcely begun its work. Yet it has already differentiated the man who counts his income by millions every month, and the thousands of men glad to work for him at from 90 cents to $1.50 a day. Who shall set bounds, under present tendencies, to the great fortunes of the next generation? Or to the correlatives of these great fortunes, the tramps?

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When between those who work and want and those who live in idle luxury there is so great a gulf fixed that in popular imagination they seem to belong to distinct orders of beings; when, in the name of religion, it is persistently instilled into the masses that all things in this world are ordered by divine Providence, which appoints to each his place; when children are taught from the earliest infancy that it is, to use the words of the Episcopal catechism, their duty toward God and man to "honor and obey the civil authority," to "order themselves lowly and reverently toward their betters, and to do their duty in that state of life in which it has pleased God to call them;" when these counsels of humility, of contentment, and of self-abasement are enforced by the terrible threat of an eternity of torture, while on the other hand the poor are taught to believe that if they patiently bear their lot here God will after death translate them to a heaven where there is no private property and no poverty, the most glaring inequalities in condition may excite neither envy nor indignation.

But the ideas that are stirring in the world to-day are different from these.

Near nineteen hundred years ago, when another civilization was developing monstrous inequalities, when the masses everywhere were being ground into hopeless slavery, there arose in a Jewish village an unlearned carpenter, who, scorning the orthodoxies and ritualisms of the time, preached to laborers and fishermen the gospel of the fatherhood of God, of the equality and brotherhood of men, who taught his disciples to pray for the coming of the kingdom of heaven on earth. The college professors sneered at him, the orthodox preachers denounced him. He was reviled as a dreamer, as a disturber, as a "communist," and, finally, organized society took the alarm, and he was crucified between two thieves. But the word went forth, and, spread by fugitives and slaves, made its way against power and against persecution till it

revolutionized the world, and out of the rotting old civilization brought the germ of the new. Then the privileged classes rallied again, carved the effigy of the man of the people in the courts and on the tombs of kings, in his name consecrated inequality, and wrested his gospel to the defense of social injustice. But again the same great ideas of a common fatherhood, of a common brotherhood, of a social state in which none shall be overworked and none shall want, begin to quicken in common thought.

When a mighty wind meets a strong current, it does not portend a smooth sea. And whoever will think of the opposing tendencies beginning to develop will appreciate the gravity of the social problems the civilized world must soon meet. He will also understand the meaning of Christ's words when he said:

"Think not I am come to send peace on earth. I come not to send peace, but a sword."

CHAPTER V.—THE MARCH OF CONCENTRATION.

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When a railroad train is slowly moving off, a single step may put one on it; but in a few minutes those who have not taken that step may run themselves out of breath in the hopeless endeavor to overtake the train. It is absurd to think that it is easy to step on a train at full speed because those who got on board at starting did so easily. So is it absurd to think that opportunities open when steam and machinery were beginning their concentrating work will remain open.

An English friend, a wealthy retired Manchester manufacturer, once told me the story of his life; how he went to work at 8 years of age *helping* make twine when twine was made entirely by hand; how when a young man he walked to Manchester, and having got credit for a bale of flax made it into twine and sold it; how, building up a little trade, he got others to work for him; how, when machinery began to be invented and steam was introduced, he took advantage of them, until he had a big factory and made a fortune, when he withdrew to spend the rest of his days at ease, leaving his business to his son.

"Supposing you were a young man now," said I, "could you walk into Manchester and do that again?"

"No," replied he; "no one could. I couldn't with £50,000 in place of my 5 shillings.

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All the tendencies of the present are not merely to the concentration, but to the perpetuation, of great fortunes. There are no crusades; the habits of the very rich are not to that mad extravagance that could dissipate such fortunes; high play has gone out of fashion, and the gambling of the stock exchange is more dangerous to short than to long purses. Stocks, bonds, mortgages, safe deposit and trust companies aid the retention of large wealth, and all modern agencies enlarge the sphere of its successful employment.

On the other hand, the mere laborer is becoming more helpless, and small capitals find it more and more difficult to compete with larger capitals. The greater railroad companies are swallowing up the lesser railroad companies; one great telegraph company already controls the telegraph wires of the continent, and, to save the cost of buying up more patents, pays the inventors not to invent. As in England, nearly all the public houses have passed into the hands of the great brewers, so, here, large firms start young men, taking chattel mortgages on their stock. As in Great Britain, the supplying of railway passengers with eatables and drinkables has passed into the hands of a single great company, and in Paris one large restaurateur, with numerous branches, is taking the trade of the smaller ones, so here the boys who sell papers and peanuts on the trains are employees of companies, and bundles are carried and errands run by corporations.

I am not denying that this tendency is largely to subserve public convenience. I am merely pointing out that it exists. A great change is going on all over the civilized world similar to that infeudation which, in Europe, during the rise of the feudal system, converted free proprietors into vassals and brought all society into subordination to a hierarchy of wealth and privilege. Whether the new aristocracy is hereditary or not makes little difference. Chance alone may determine who will get the few prizes of a lottery. But it is not the less certain that the vast majority of all who take part in it must draw blanks. The forces of the new era have not yet had time to make status hereditary, but we may clearly see that when the industrial organization compels a thousand workmen to take service under one master, the proportion of masters to men will be but as one to a thousand, though the one may come from the ranks of the thousand. "Master!" We don't like the word. It is not American! But what is the use of objecting to the word when we have the thing. The man who gives me employment, which I must have or suffer, that man is my master, let me call him what I will.

CHAPTER VI.—THE WRONG IN EXISTING SOCIAL CONDITIONS.

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Between normal men the difference of a sixth or seventh is a great difference in height—the tallest giant ever known was scarcely more than four times as tall as the smallest dwarf ever known, and I doubt if any good observer will say that the mental differences of men are greater than the physical differences. Yet we already have men hundreds of millions of times richer than other men.

That he who produces should have, that he who saves should enjoy, is consistent with human reason and with the natural order. But existing inequalities of wealth can not be justified on this ground. As a matter of fact, how many great fortunes can be truthfully said to have been fairly earned? How many of them represent wealth produced by their possessors or those from whom their present possessors derived them? Did there not go to the formation of all of them something more than superior industry and skill? Such qualities may give the first start, but when fortunes begin to roll up into millions there will always be found some element of monopoly, some appropriation of wealth produced by others. Often there is a total absence of superior industry, skill, or self-denial, and merely better luck or greater unscrupulousness.

An acquaintance of mine died in San Francisco recently, leaving $4,000,000, which will go to heirs to be looked up in England. I have known many men more industrious, more skillful, more temperate than he—men who did not or who will not leave a cent. This man did not get his wealth by his industry, skill, or temperance. He no more produced it than did those lucky relations in England, who may now do nothing for the rest of their lives. He became rich by getting hold of a piece of land in the early days, which, as San Francisco grew, became very valuable. His wealth represented not what he had earned, but what the monopoly of this bit of the earth's surface enabled him to appropriate of the earnings of others.

A man died in Pittsburg, the other day, leaving $3,000,000. He may or may not have been particularly industrious, skillful, and economical, but it was not by virtue of these qualities that he got so rich. It was because he went to Washington and helped lobby through a bill which, by way of "protecting American workmen against the pauper labor of Europe," gave him the advantage of a 60 per cent tariff. To the day of his death he was a staunch protectionist, and said free trade would ruin our "infant industries." Evidently the $3,000,000 which he was enabled to lay by from his own little cherub of an "infant industry" did not represent what he had added to production. It was the advantage given him by the tariff that enabled him to scoop it up from other people's earnings.

This element of monopoly, of appropriation, and spoliation will, when we come to analyze them, be found to largely account for all great fortunes.

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An English king, long since dead, gave to an ancestor of the present Duke of Westminster a piece of land over which the city of London has now extended—that is to say, he gave him the privilege, still recognized by the stupid English people, which enables the present duke to appropriate so much of the earnings of so many thousands of the present generation of Englishmen.

So, too, the great fortunes of the English brewers and distillers have been largely built up by the operation of the excise in fostering monopoly and concentrating the business.

Or, turning again to the United States, take the great fortune of the Astors. It represents for the most part a similar appropriation of the earnings of others, as does the income of the Duke of Westminster and other English landlords. The first Astor made an arrangement with certain people living in his time by virtue of which his children are now allowed to tax other people's children—to demand a very large part of their earnings from many thousands of the present population of New York. Its main element is not production or saving. No human being can produce land or lay up land. If the Astors had all remained in Germany, or if there had never been any Astors, the land of Manhattan Island would have been here all the same.

Take the great Vanderbilt fortune. The first Vanderbilt was a boatman who earned money by hard work and saved it. But it was not working and saving that enabled him to leave such an enormous fortune. It was spoliation and monopoly. As soon as he got money enough he used it as a club to extort from others their earnings. He ran off opposition lines and monopolized routes of steamboat travel. Then he went into railroads, pursuing the same tactics. The Vanderbilt fortune no more comes from working and saving than did the fortune that Captain Kidd buried.

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Consider the important part in building up fortunes which the increase in land values has had, and is having, in the United States. This is, of course, monopoly, pure and simple. When land increases in value it does not mean that its owner has added to the general wealth. The owner may never have seen the land or done aught to improve it. He may, and often does, live in a distant city or in another country. Increase of land values simply means that the owners, by virtue of their appropriation of something that existed before man was, have the power of taking a larger share of the wealth produced by other people's labor. Consider how much the monopolies created and the advantages given to the unscrupulous by the tariff and by our system of internal taxation—how much the railroad (a business in its nature a monopoly), telegraph, gas, water, and other similar monopolies have done to concentrate wealth; how special rates, pools, combinations, corners, stock-watering, and stock gambling, the destructive use of wealth in driving off or buying off opposition, which the public must finally pay for, and many other things which these will suggest, have operated to build up large fortunes, and it will at least appear that the unequal distribution of wealth is due in great measure to sheer spoliation; that the reason why those who work hard get so little, while so many who work little get so much, is, in very large measure, that the earnings of the one class are, in one way or another, filched away from them to swell the incomes of the other.

That individuals are constantly making their way from the ranks of those who get less than their earnings to the ranks of those who get more than their earnings, no more proves this state of things right than the fact that merchant sailors were constantly becoming pirates and participating in the profits of piracy would prove that piracy was right and that no effort should be made to suppress it.

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CHAPTER VII.—IS IT THE BEST OF ALL POSSIBLE WORLDS?

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The old idea that everything in the social world is ordered by the divine will—that it is the mysterious dispensations of Providence that give wealth to the few and order poverty as the lot of the many, make some rulers and the others serfs—is losing power; but another idea that serves the same purpose is taking its place, and we are told, in the name of science, that the only social improvement that is possible is by a slow race evolution, of which the fierce struggle for existence is the impelling force; that, as I have recently read in "a journal of civilization" from the pen of a man who has turned from the preaching of what he called Christianity to the teaching of what he calls political economy, that "only the élite of the race has been raised to the point where reason and conscience can even curb the lower motive forces," and "that for all but a few of us the limit of attainment in life, in the best case, is to live out our term, to pay our debts, to place three or four children in a position as good as the father's was, and there make the account balance." As for "friends of humanity" and those who would "help the poor," they get from him the same scorn which the scribes and pharisees eighteen hundred years ago visited on a pestilent social reformer whom they finally crucified.

Lying beneath all such theories is the selfishness that would resist any inquiry into the titles to the wealth which greed has gathered, and the difficulty and indisposition on the part of the comfortable classes of realizing the existence of any other world than that seen through their own eyes.

"That one half of the world does not know how the other half live" is much more true of the upper than of the lower half. We look upon that which is pleasant rather than that which is disagreeable. The shopgirl delights in the loves of the Lord de Maltravers and the Lady Blanche, just as children without a penny will gaze in confectioners' windows, as hungry men dream of feasts, and poor men relish tales of sudden wealth. And social suffering is for the most part mute. The well dressed take the main street, but the ragged slink into the byways.

The man in a good coat will be listened to where the same man in tatters would be hustled off.

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Behind all this is social disease. Criminals, paupers, prostitutes, women who abandon their children, men who kill themselves in despair of making a living, the existence of great armies of beggars and thieves, prove that there are large classes who find it difficult with the hardest toil to make an honest and sufficient livelihood. So it is. "There is," incidentally said to me recently a New York supreme judge, "a large class—I was about to say a majority—of the population of New York and Brooklyn who just live, and to whom the rearing of two more children means inevitably a boy for the penitentiary and a girl for the brothel." A partial report of charitable work in New York City, not embracing the operations of a number of important societies, shows 36,000 families obtaining relief, while it is estimated that were the houses in New York City containing criminals and the recipients of charity set side by side they would make a street 22 miles long. One charitable society in New York City extended aid this winter to the families of 300 tailors. Their wages are so small when they do work that when work gives out they must beg, steal, or starve.

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It is the fool who saith in his heart there is no God. But what shall we call the man who tells us that with this sort of a world God bids us be content?

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CHAPTER VIII.—THAT WE ALL MIGHT BE RICH.

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I do not mean to say that absolute equality could be had, or would be desirable. I do not mean to say that we could all have, or would want, the same quantity of all the different forms of wealth. But I do mean to say that we might all have enough wealth to satisfy reasonable desires; that we might all have so much of the material things we now struggle for, that no one would want to rob or swindle his neighbor; that no one would worry all day, or lie awake at nights, fearing he might be brought to poverty, or thinking how he might acquire wealth.

Does this seem a Utopian dream? What would people of fifty years ago have thought of one who would have told them that it was possible to sew by steam power; to cross the Atlantic in six days, or the continent in three; to have a message sent from London at noon delivered in Boston three hours before noon; to hear in New York the voice of a man talking in Chicago?

Did you ever see a pail of swill given to a pen of hungry hogs? That is human society as it is.

Did you ever see a company of well-bred men and women sitting down to a good dinner without scrambling or jostling or gluttony, each, knowing that his own appetite will be satisfied, deferring to and helping the others? That is human society as it might be.

"Devil catch the hindmost" is the motto of our so-called civilized society to-day. We learn early to "take care of No. 1," lest No. 1 should suffer; to grasp from others that we may not want ourselves. The fear of poverty makes us admire great wealth; and so habits of greed are formed, and we behold the pitiable spectacle of men who have already more than they can by any possibility use, toiling striving, grasping to add to their store up to the very verge of the grave—that grave which, whatever else it may mean, does certainly mean the parting with all earthly possessions however great they be.

In vain, in gorgeous churches, on the appointed Sunday, is the parable of Dives and Lazarus read. What can it mean in churches where Dives would be welcomed and Lazarus shown the door? In vain may the preacher preach of the vanity of riches, while poverty engulfs the hindermost. But the mad struggle would cease when the fear of poverty had vanished. Then, and not till then, will a truly Christian civilization become possible.

And may not this be?

We are so accustomed to poverty that even in the most advanced countries we regard it as the natural lot of the great masses of the people; that we take it as a matter of course that even in our highest civilization large classes should want the necessaries of healthful life, and the vast majority should only get a poor and pinched living by the hardest toil. There are professors of political economy who teach that this condition of things is the result of social laws of which it is idle to complain. There are ministers of religion who preach that this is the condition which an All-Wise, All-Powerful Creator intended for his children! If an architect were to build a theatre so that not more than one-tenth of the audience could see and hear we should call him a bungler and a botch. If a man were to give a feast and provide so little food that nine-tenths of his guests must go away hungry we would call him a fool, or worse.

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What these maladjustments are I shall in subsequent chapters endeavor to show. In this I wish simply to call attention to the fact that productive power in such a state of civilization as ours is sufficient, did we give it play, to so enormously increase the production of wealth as to give abundance to all—to point out that the cause of poverty is not in natural limitations, which we can not alter, but in inequalities and injustices of distribution entirely within our control.

The passenger who leaves New York on a trans-Atlantic steamer does not fear that the provisions will give out. The men who run these steamers do not send them to sea without provisions enough for all they carry. Did He who made this whirling planet for our sojourn lack the forethought of man? Not so. In soil and sunshine, in vegetable and animal life, in veins of minerals, and in pulsing forces which we are only beginning to use, are capabilities which we can not exhaust—materials and powers from which human effort, guided by intelligence, may gratify every material want of every human creature. There is in nature no reason for poverty—not even for the poverty of the crippled or the decrepit. For man is by nature a social animal, and the family affections and the social sympathies would, where chronic poverty did not distort and embrute, amply provide for those who could not provide for themselves.

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The wealth-producing powers that would be evoked in a social state based on justice, where wealth went to the producers of wealth, and the banishment of poverty had banished the fear and greed and lusts that spring from it, we now can only faintly imagine. Wonderful as have been the discoveries and inventions of this century, it is evident that we have only begun to grasp that dominion which it is given to mind to obtain over matter. Discovery and invention are born of leisure, of material comfort, of freedom. These secured to all, and who shall say to what command over nature man may not attain?

It is not necessary that anyone should be condemned to monotonous toil; it is not necessary that anyone should lack the wealth and the leisure which permit the development of the faculties that raise man above the animal. Mind, not muscle, is the motor of progress, the force which compels nature and produces wealth. In turning men into machines we are wasting the highest powers. Already in our society there is a favored class who need take no thought for the morrow—what they shall eat, or what they shall drink, or wherewithal they shall be clothed. And may it not be that Christ was more than a dreamer when he told his disciples that in that kingdom of justice for which he taught them to work and pray this might be the condition of all?

CHAPTER IX.—FIRST PRINCIPLES.

Whoever considers the political and social problems that confront us, must see that they center in the problem of the distribution of wealth, and he must also see that, though their solution may be simple, it must be radical.

For every social wrong there must be a remedy. But the remedy can be nothing less than the abolition of the wrong. Half-way measures, mere ameliorations and secondary reforms, can at any time accomplish little, and can in the long run avail nothing. Our charities, our penal laws, our restrictions and prohibitions, by which, with so little avail, we endeavor to assuage poverty and check crime—what are they, at the the very best, but the device of the clown who, having put the whole burden of his ass into one pannier, sought to enable the poor animal to walk straight by loading up the other pannier with stones?

In New York, as I write, the newspapers and the churches are calling for subscriptions to their "fresh-air funds," that little children may be taken for a day or for a week from the deadly heat of stifling tenement rooms and given a breath of the fresh breeze of seashore or mountain; but what little does it avail, when we take such children only to return them to their previous conditions—conditions which to many mean even worse than death of the body; conditions which make it certain that of the lives that may thus be saved, some are saved for the brothel and the almshouse, and some for the penitentiary. We may go on forever merely raising fresh-air funds, and how great soever be the funds we raise, the need will only grow, and children—just such children as those of whom Christ said, "Take heed that ye despise not one of these little ones, for I say unto you, that in heaven their angels do always behold the face of my Father"—will die like flies, so long as poverty compels fathers and mothers to the life of the squalid tenement room.

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An English writer has divided all men into three classes—workers, beggars, and thieves. The classification is not complimentary to the "upper classes" and the "better classes," as they are accustomed to esteem themselves, yet it is economically true. There are only three ways by which any individual can get wealth—by work, by gift, or by theft. And, clearly, the reason why the workers get so little is that the beggars and thieves get so much. When a man gets wealth that he does not produce he necessarily gets it at the expense of those who produce it.

All we need do to secure a just distribution of wealth is to do that which all theories agree to be the primary function of government—to secure to each the free use of his own powers, limited only by the equal freedom of all others; to secure to each the full enjoyment of his own earnings, limited only by such contributions as he may be fairly called upon to make for purposes of common benefit.

I wish to emphasize this point, for there are those who constantly talk and write as though whoever finds fault with the present distribution of wealth were demanding that the rich should be spoiled for the benefit of the poor; that the idle should be taken care of at the expense of the industrious, and that a false and impossible equality should be created, which, by reducing everyone to the same dead level, would destroy all incentive to excel and bring progress to a halt.

In the reaction from the glaring injustice of present social conditions, such wild schemes have been proposed and still find advocates. But to my way of thinking they are as impracticable and repugnant as they can seem to those who are loudest in their denunciations of "communism." I am not willing to say that in the progress of humanity a state of society may not be possible which shall realize the formula of Louis Blanc, "From each according to his abilities; to each according to his wants," for there exist to-day in the religious orders of the Catholic Church associations which maintain the communism of early Christianity. But it seems to me that the only power by which such a state of society can be attained and preserved is that which the framers of the schemes I speak of generally ignore, even when they do not directly antagonize—a deep, definite, intense, religious faith, so clear, so burning as to utterly melt away the thought of self—a general moral condition such as that which the Methodists declare, under the name of "sanctification," to be individually possible, in which the dream of pristine innocence should become reality, and man, so to speak, should again walk with God.

But the possibility of such a state of society seems to me in the present stage of human development a speculation which comes within the higher domain of religious faith rather than that with which the economist or practical statesman can concern himself. That nature, as it is apparent to us here, in this infinitesimal point in space and time that we call the world, is the highest expression of the power and purpose that called the universe into being, what thoughtful man dare affirm? Yet it is manifest that the only way by which man may attain higher things is by conforming his conduct to those commandments which are as obvious in his relations with his fellows and with external nature as though they were graved by the finger of Omnipotence upon tablets of imperishable stone.

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Let us first ask what are the natural rights of men, and endeavor to secure them, before we propose either to beg or to pillage.

In what succeeds I shall consider what are the natural rights of men, and how, under present social adjustments, they are ignored and denied. This is made necessary by the nature of this inquiry. But I do not wish to call upon those my voice may reach to demand their own rights, so much as to call upon them to secure the rights of others more helpless. I believe that the idea of duty is more potent for social improvement than the idea of interest; that in sympathy is a stronger social force than in selfishness. I believe that any great social improvement must spring from and be animated by that spirit which seeks to make life better, nobler, happier for others, rather than by that spirit which only seeks more enjoyment for itself. For the mammon of injustice can always buy the selfish whenever it may think it worth while to pay enough; but unselfishness it can not buy.

In the idea of the incarnation—of the God voluntarily descending to the help of men, which is embodied not merely in Christianity, but in other great religions—lies, I sometimes think, a deeper truth than per-

haps even the churches teach. This is certain, that the deliverers, the liberators, the advancers of humanity, have always been those who were moved by the sight of injustice and misery rather than those spurred by their own suffering. As it was a Moses, learned in all the lore of the Egyptians, and free to the Court of Pharaoh and not a tasked slave, forced to make bricks without straw, who led the Children of Israel from the House of Bondage: as it was the Gracchi, of patrician blood and fortune, who struggled to the death against the land-grabbing system which finally destroyed Rome, as it must, should it go on in time destroy this Republic: so has it always been that the oppressed, the degraded, the down-trodden, have been freed and elevated rather by the efforts and the sacrifices of those to whom fortune had been more kind than by their own strength. For the more fully men have been deprived of their natural rights, the less their power to regain them. The more men need help, the less can they help themselves.

The sentiment to which I would appeal is not envy, nor yet self-interest, but that nobler sentiment which found strong, though rude, expression in that battle hymn which rang through the land when a great wrong was going down in blood:

"In the beauty of the lilies, Christ was born across the sea,
With a glory in His bosom that transfigures you and me,
As He died to make men holy, let us die to make men free!" *

And what is there for which life gives us opportunity that can be compared with the effort to do what we may, be it ever so little, to improve social conditions and enable other lives to reach fuller, nobler *development*? Old John Brown, dying the death of the felon, launched into eternity with pinioned arms and the kiss of the slave child on his lips—was not his a greater life and a grander death than though his years had been given to self-seeking?

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CHAPTER X.—THE RIGHTS OF MAN.

There are those who, when it suits their purpose, say that there are no natural rights, but that all rights spring from the grant of the sovereign political power. It were waste of time to argue with such persons. There are some facts so obvious as to be beyond the necessity of argument. And one of these facts, attested by universal consciousness, is that there are rights as between man and man which existed before the formation of government, and which continue to exist in spite of the abuse of government; that there is a higher law than any human law—to wit, the law of the Creator, impressed upon and revealed through nature, which is before and above human laws, and upon conformity to which all human laws must depend for their validity. To deny this is to assert that there is no standard whatever by which the rightfulness or wrongfulness of laws and institutions can be measured; to assert that there can be no actions in themselves right and none in themselves wrong; to assert that an edict which commanded mothers to kill their children should receive the same respect as a law prohibiting infanticide.

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These natural rights of man are thus set forth in the American Declaration of Independence as the basis upon which alone legitimate government can rest:

"We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as shall seem to them most likely to affect their safety and happiness."

So does the preamble to the Constitution of the United States appeal to the same principles:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

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Let us consider the matter. The equal, natural, and unalienable right to life, liberty, and the pursuit of happiness, does it not involve the right of each to the free use of his powers in making a living for himself and his family, limited only by the equal right of all others? Does it not require that each shall be free to make, to save, and to enjoy what wealth he may, without interference with the equal rights of others; that no one shall be compelled to give forced labor to another, or to yield up his earnings to another; that no one shall be permitted to extort from another labor or earnings? All this goes without the saying. Any recognition of the equal right to life and liberty which would deny the right to property—the right of a man to his labor and to the full fruits of his labor—would be mockery.

But that is just what we do. Our so-called recognition of the equal and natural rights of man is to large classes of our people nothing but a mockery, and as social pressure increases is becoming a more bitter mockery to larger classes, because our institutions fail to secure the rights of men to their labor and the fruits of their labor.

That this denial of a primary human right is the cause of poverty on the one side and of overgrown fortunes on the other, and of all the waste and demoralization and corruption that flow from the grossly unequal distribution of wealth may be easily seen.

As I am speaking of conditions general over the whole civilized world, let us first take the case of another country, for we can sometimes see the faults of our neighbors more clearly than our own. England, the country from which we derive our language and institutions, is behind us in the formal recognition of political liberty; but there is as much industrial liberty there as here—and in some respects more, for England, though she has not yet reached free trade, has got rid of the "protective" swindle, which we still hug. And the English people—poor things—are, as a whole, satisfied of their freedom, and boast of it. They think, for it has been so long preached to them that most of them honestly believe it, that Englishmen are the freest people in the world, and they sing "Britons never shall be slaves" as though it were indeed true that slaves could not breathe British air.

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But what is the fact? The fact is that the right of this "free-born Englishman" to his own labor and the fruits of his labor is denied as fully and completely as though he were made by law a slave; that he is compelled to work for the enrichment of others as truly as though English law had made him the property of an owner. The law of the land does not declare that he is a slave; on the contrary, it formally declares that he is a free man, free to work for himself and free to enjoy the fruits of his labor. But a man can not labor without something to labor on, any more than he can eat without having something to eat. It is not in human powers to make something out of nothing. This is not contemplated in the creative scheme. Nature tells us that if we will not work we must starve; but at the same time supplies us with everything necessary to work. Food, clothing, shelter, all the articles that minister to desire and that we call wealth, can be produced by labor, but only when the raw material of which they must be composed is drawn from the land.

To drop a man in the middle of the Atlantic Ocean and tell him he is at liberty to walk ashore, would not be more bitter irony than to place a man where all the land is appropriated as the property of other people and to tell him that he is a free man, at liberty to work for himself and to enjoy his own earnings. That is the situation in which our Englishman finds himself. He is just as free as he would be were he suspended over a precipice while somebody else held a sharp knife to the rope; just as free as if thirsting in a desert he found the only spring for miles walled and guarded by armed men who told him he could not drink unless he freely contracted with them on their terms.

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Illness often comes, and death too often. Then there is no recourse but the parish or "My Lady Bountiful," the wife or daughter, or almoner of "the God Almighty of the county-side," as Tennyson calls him—the owner (if not the maker) of the world in these parts, who doles out in insulting and degrading charity some little stint of the wealth appropriated from the labor of this family and of other such families. If he does not "order himself lowly and reverently to all his betters;" if he does not pull his poor hat off his sheepish head whenever "my lord" or "my lady" or "his honor" or any of their understrappers go by; if he does not bring up his children in the humility which these people think proper and becoming in the "lower classes;" if there is suspicion that he may have helped himself to an apple or snared a hare or slyly hooked a fish from the stream, this "free-born Englishman" loses charity and loses work.

He must go on the parish or starve. He becomes bent and stiff before his time. His wife is old and worn, when she ought to be in her prime of strength and beauty. His girls—such as live—marry such as he, lead such lives as their mother's, or, perhaps, are seduced by their "betters," and sent, with a few pounds, to a great town, to die in a few years in brothel or hospital or prison. His boys grow up ignorant and brutish; they can not support him when he grows old, even if they would, for they do not get back enough of the proceeds of their labor. The only refuge for the pair in their old age is the almshouse, where, for shame to let them starve on the roadside, these worked-out slaves are kept to die—where the man is separated from the wife, and the old couple, over whom the parson of the church, by law established, has said: "Whom God hath joined together let no man put asunder," lead, apart from each other, a prison-like existence until death comes to their relief.

In what is the condition of such a "free-born Englishman" as this better than that of a slave? Yet if this is not a fair picture of the condition of the English agricultural laborers, it is only because I have not dwelt upon the darkest shades—the sodden ignorance and brutality, the low morality of these degraded and debased classes. In quantity and quality of food, in clothing and housing, in ease and recreation, and in morality there can be no doubt that the average southern slave was better off than the average agricultural laborer is in England to-day—that his life was healthier and happier and fuller.

So long as a plump, well-kept, hearty negro was worth $1,000, no slave owner, selfish or cold-blooded as he might be, would keep his negroes as great classes of "free-born Englishmen" must live. But these white slaves have no money value. It is not the labor, it is the land that commands the labor, that has a capitalized value. You can get the labor of men for from 9 to 12 shillings a week—less than it would cost to keep a slave in good marketable condition, and of children for 6 pence a week, and when they are worked out they can be left to die or "go on the parish."

The negroes, some say, are an inferior race. But these white slaves of England are of the stock that has given England her scholars and her poets, her philosophers and statesmen, her merchants and inventors, who have formed the bulwark of the sea-girt isle, and have carried the meteor flag around the world. They are ignorant and degraded and debased; they live the life of slaves and die the death of paupers, simply because they are robbed of their natural rights.

And the same inequality of conditions which we see beginning here, is it not due to the same primary cause? American citizenship confers no right to American soil. The first and most essential rights of man—the rights to life, liberty, and the pursuit of happiness—are denied here as completely as in England. And the same results must follow.

Mr. BAKER. I withdraw my amendment.

The SPEAKER. The gentleman withdraws his amendment.

The Clerk resumed and concluded the reading of the bill.

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

ADDITIONAL TERMINAL FACILITIES AT THE UNION STATION.

Mr. BABCOCK. I now call up the bill H. R. 18887, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin calls up the bill H. R. 18887 and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 18887) to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

* Battle Hymn of the Republic, by Julia Ward Howe.

The bill was read, as follows:

Be it enacted, etc., That to provide adequate facilities for handling mail, baggage, express, and other business or matter carried on passenger trains the Washington Terminal Company be, and it is hereby, authorized to locate, construct, maintain, and operate tracks, switches, sheds, and other structures and facilities in and upon the parts of squares Nos. 719 and 720, lying and being between the eastern line of the terminal area, as described in said union station act of February 28, 1903, and the western building line of Second street east; and the said terminal company is hereby authorized to acquire by purchase or condemnation, as provided in said union station act of February 28, 1903, the lands and property in said squares as above mentioned; and to accomplish the purposes of this act, in addition to the streets vacated, abandoned, and closed by the provisions of the said union station act of February 28, 1903, and the acts therein referred to, and in accordance with the provisions thereof, the following-named streets and alleys, to wit: Chicago street and G street and all public alleys in said squares shall be vacated, abandoned, and closed from the said eastern line of the said terminal area to the western building line of said Second street east: *Provided,* That said terminal company be authorized to acquire by purchase or condemnation, as provided above, all the lands and property in square 721 lying between the eastern line of the aforesaid terminal area and the western building line of Second street east and between F street and the east-and-west public alley between F street and California street: *And provided further,* That the said terminal company shall dedicate to the District of Columbia sufficient land for a street 60 feet wide on the east side of said terminal area from F street to California street: *And provided further,* That except as modified by this act, all provisions of the aforesaid union station act of February 28, 1903, and of the acts therein referred to, shall apply to the structures and tracks authorized therein.

SEC. 2. That Congress may at any time amend or repeal this act.

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

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I now call up the bill H. R. 14534.

The Clerk read as follows:

A bill (H. R. 14534) to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company."

The Clerk proceeded to read the bill.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent that the reading of the bill may be dispensed with. It simply amends the charter of the Washington and Western Maryland Railroad Company in one or two small particulars. It changes its course and its line of construction and shortens the time for the construction from five to three years. Most of the bill consists of description of metes and bounds.

Mr. BABCOCK. I would like to amend that request by asking that simply the description by metes and bounds of the road, which are utterly unintelligible to the House, be not read, and that the rest of the provisions be read.

The SPEAKER. How long is the bill?

Mr. WADSWORTH. Seven, eight, or ten pages.

The SPEAKER. The Chair thinks the bill ought to be read, unless it comes within the description of bills that have been submitted by unanimous consent to omit the reading.

Mr. WADSWORTH. The most of it will be unintelligible to the House.

The SPEAKER. In other words, the Chair has followed precedents so far. The Chair is not inclined to make a new precedent. The Chair will first, with the permission of the gentleman and the House, put the question: Is there unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill, and to consider it in the House as in Committee of the Whole?

Mr. BARTLETT. Mr. Speaker, I should like to make an inquiry. Do bills of this character, granting rights of way, have to be considered in Committee of the Whole?

The SPEAKER. The bill is on the Union Calendar.

Mr. BARTLETT. All right.

The SPEAKER. Is there objection?

Mr. BAKER. Mr. Speaker, I think it is desirable that the gentleman having charge of the bill should give us a brief explanation of it.

The SPEAKER. The request is to discharge the Committee of the Whole House on the state of the Union and consider the bill in the House as in Committee of the Whole. Then it will be open to consideration and amendment under the five-minute rule. Is there objection to this request?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the act of Congress entitled "An act to incorporate the Washington and Western Maryland Railroad Company," approved March 2, 1889, be, and the same is hereby, amended as follows:

"That the said company, a body corporate as aforesaid, be, and it is hereby, authorized in the construction of its lines to cross the Chesapeake and Ohio Canal and the Government road, commonly known as the River road, at a point about 2,400 feet east of the Chain Bridge, to a point immediately north of said River road, by means of a bridge, with a clearance of at least 16 feet above the present grade of said River road, and so elevated above the canal as not to interfere with its travel and traffic, and to proceed from said point immediately north of said River road, as aforesaid, northwestwardly through the lands of the Palisades of the Potomac Company over a right of way acquired from said Palisades of the Potomac Company to the south line of the property of the United States Government, forming a part of the grounds of the receiving reservoir in the District of Columbia and Maryland, crossing said line 20 feet south of a stone, W. A. H. 1, to proceed northwestwardly through the said lands of the Government of the United States to the point of intersection with the line of the Metropolitan Southern Railroad Company; and the Washington and Western Maryland Railroad Company is hereby authorized to construct its road across the said property of the United States forming a part of the grounds of the receiving reservoir as aforesaid, and for the purpose of said construction said company is granted for a right of way the following described land, beginning for the same at a stone marked 'G,' on the boundary between the United States Government and the right of way of the Metropolitan Southern Railroad, which was acquired from the United States Government, and running thence south 29 degrees and 30 minutes west parallel with 37.63 feet, at right angles from the center line of the Washington and Western Maryland Railroad for a distance of 116.7 feet to a point; thence by a curved line to the left, with a radius of 536.06 feet, parallel with and 37.63 feet, at right angles from said center line for 612.16 feet to a point; thence south 35 degrees and 56 minutes east, parallel with and 37.63 feet, at right angles from said center line for 223.6 feet to a point; thence at right angles to last-mentioned course, north 54 degrees and 4 minutes east for 17.37 feet to a point 55 feet distant from said center line; thence by a curved line to the right with a radius of 628.69 feet parallel with and 55 feet at right angles from said center line of the Washington and Western Maryland Railroad for a distance of 257.46 feet to a point; thence south 12 degrees and 28 minutes east parallel to and 55 feet distant from said center line for a distance of 40.2 feet to the southern boundary line of the property of the United States Government, the same being the dividing line between the lands of the United States Government and that acquired by the Washington and Western Maryland Railroad Company from the Palisades of the Potomac Company; thence with the said boundary line last mentioned north 86 degrees and 36 minutes west, deduced bearing (or north 86 degrees and 16 minutes west magnetic bearing, as given on the United States Government plat, dated August 15, 1891), for a distance of 38 feet, to a stone marked 'W. A. H. 1,' of said plat; thence continuing on said last-mentioned course for a distance of 19.2 feet, to the center line of the Washington and Western Maryland Railroad Company; thence farther continuing on said last-mentioned course for a distance of 66 feet to a point on said boundary line, the same being the boundary line between the lands of the United States Government and those of Mrs. Ann O'Neal; thence by the boundary line between the lands of the United States Government and those of Mrs. Ann O'Neal north 26 degrees and 14 minutes west, deduced bearing (or north 24 degrees and 18 minutes west magnetic bearing, as given on the United States Government plat dated August 15, 1891), for a distance of 491.53 feet, to a stone planted on said last-mentioned boundary line; thence north 34 degrees and 59 minutes west, deduced bearing (or north 33 degrees and 3 minutes west magnetic bearing, as given on plat of United States Government dated August 15, 1891), for a distance of 432.39 feet to a stone marked 'F,' the same being a corner of the land acquired from the United States Government by the Metropolitan Southern Railroad Company; thence north 46 degrees 26 minutes east, on the right of way limit of the said Metropolitan Southern Railroad, for a distance of 472.54 feet to the stone marked 'G,' the same being the place of beginning, containing 2.90 acres of land, more or less: *Provided,* That the location and the plans of said road through the lands of the United States shall be approved by the Secretary of War before the commencement of any work on said lands, and the work of construction shall be subject to such regulations as he may prescribe; and the damages for the use and occupation of the right of way herein granted shall be fixed by three army officers, appointed by the Secretary of War, and the payment of said damages so fixed shall be a condition precedent to the exercise of the rights by this act granted.

"The bridge over the river road shall be constructed with a span sufficient to allow the widening of said road to 50 feet, and the District reserves the right to widen this road to 50 feet at any future time.

"The slope of the railroad embankment shall not at any point encroach upon the river, or Chain Bridge, road, which is 33 feet wide. The railroad company, its successors and assigns, shall construct suitable retaining walls to preserve the full width of the road when necessary to prevent such encroachments.

"Whenever it is found necessary by the legally constituted authorities of the District of Columbia to construct a road intersecting the line of the railroad, the railroad authorities, their successors and assigns, shall provide a proper crossing, and shall, at their own expense, make all necessary excavations, masonry, construction, and so forth, and replace their roadbed with a bridge of a span to be determined by the Commissioners of the District of Columbia.

"The said company, its successors and assigns, shall at all times freely and without charge or hindrance of any kind, permit the legally constituted authorities of the District of Columbia to cross the said right of way in the District of Columbia whenever necessary in the construction of any public sewer, water main, or other construction necessary for the public safety, comfort, or health."

SEC. 2. That section 12 of the act to which this is an amendment be, and the same is hereby, repealed, and instead thereof there be enacted the following:

"SEC. 12. That for the purpose of locating, constructing, maintaining, and operating the yards, stations, tracks, railroads, roundhouses, shops, and other structures or buildings herein, or in the act to which this is an amendment, provided for, said company is hereby authorized and empowered to take, acquire, and hold in fee simple the land necessary for such purposes; but before proceeding so to do the said company shall first obtain the assent of the owner or owners of said land, and if such owner or owners shall be absent from the said city of Washington, or the District of Columbia, or shall refuse to give such assent on such terms as such company shall approve, or by reason of infancy, coverture, or insanity, or any other cause shall be legally incapable of giving such assent, it shall be lawful for said company to make application, in writing, to the supreme court of the District of Columbia, or a judge thereof, for the appointment of three commissioners to estimate the damages which the owner or owners of the land or other property sought to be taken shall sustain by the taking thereof by the said company. Said application shall describe

the land or other property sought to be taken and give the name or names of the owners thereof, as far as the same may be known to said company; and said supreme court of the District of Columbia, or a judge thereof, shall thereupon appoint three discreet and disinterested freeholders of said District of Columbia, none of whom shall be residents or owners of property upon or adjoining the line of said railroad, or interested therein, or related to any person interested in said land, or a stockholder in said company; and before said commissioners shall act the clerk of said court shall administer an oath or affirmation to each of them that he will justly and impartially estimate the compensation that the owner or owners of such lands or other property will be entitled to by reason of the taking of the same by the company; and the said supreme court of the District of Columbia, or a judge thereof, shall appoint a time not less than ten nor more than twenty days after due notice to the parties in interest, which notice shall be given in the form required by the order of said supreme court of the District of Columbia, or a judge thereof, appointing said commissioners, and said commissioners shall proceed to estimate, after viewing the premises, the value of the land so proposed to be taken by said company, and the damages, if any, to the residue of the tract so taken or occupied, or to be taken or occupied, or the material so used or taken away, as the case may be, having due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result, to the owner or owners of said land or materials in consequence of the making or opening of said railroad and of the construction of the works connected therewith, and after having made a fair and just comparison of said advantages and disadvantages they shall estimate and determine whether any and, if any, what amount of damages have been or may be sustained, and to whom payable, and make report in writing signed by them, or a majority of them, and file the same with the clerk of the supreme court of the District of Columbia; and if any damages be awarded, and the report be confirmed by the said court, judgment shall be entered thereon, and if the amount thereof be not paid within thirty days after the entry of such judgment execution may issue thereon as in the case of other judgments of said court for the sum so awarded, and the cost and expenses incurred shall be defrayed by the said railroad company; and each of said commissioners shall be entitled to $10 per day for every day necessarily employed in the performance of the duties herein prescribed, to be paid by such railroad company. Said return of said commissioners shall be confirmed by said court, or a judge thereof, at any time after the expiration of ten days from and after the date of the filing of said report with the clerk of said court, unless an appeal from said award shall be taken and perfected as hereinafter provided; and either party may appeal to the said court within ten days from and after the return of the said award to said court by filing notice of such appeal with the clerk of said court, and upon said appeal the case shall be docketed in said court in the ordinary form, in which the company shall be plaintiff and the other parties shall be defendants, and shall be tried by a jury, if either party shall require the same, according to the ordinary course of trial by jury in said court. Should said company desire to take possession of the land and property mentioned in its said application prior to the determination of the appeal, it shall have the right so to do upon paying into court such sum of money as the court may deem necessary to pay such judgment as the court may render upon the trial of the appeal. In case the judgment rendered by the court upon said appeal, either with or without a trial by jury, shall be for a sum less than the amount awarded by the commissioners aforesaid, then the costs shall be paid by the parties defendant; in case the judgment shall be for a greater sum than the amount awarded by the commissioners, then the costs shall be paid by the company, and judgment for costs shall be rendered accordingly. Upon payment of the judgment rendered by said court, either upon the confirmation of the award or upon the trial of the appeal, to the parties entitled, or into the court, the company shall be entitled to all the rights, interests, and estate of the parties to the proceeding to the same extent as if the same had been legally conveyed by them in fee simple to said company, unless the said company shall within ten days after the rendition of said judgment disclaim the taking of said property, which shall be done in writing and filed in said cause. An appeal shall lie from the judgment of said court to the court of appeals of the District of Columbia, and to the Supreme Court of the United States, as now allowed by law in other cases, and the said company shall be, and is hereby, authorized and empowered to construct, operate, and maintain said tracks, and in addition thereto tracks to and into the yards and stations aforesaid, and any of them, in connection with the tracks, or any of them, hereinbefore authorized or prescribed."

SEC. 3. That the period limited and allowed to the Washington and Western Maryland Railroad Company within which they are required, by the tenth section of the act to which this is an amendment, to complete their road within the District of Columbia, be, and the same is hereby, extended for the period of five years from the date of the passage of this act, and the said act of incorporation, except as modified by the provisions of this act, shall remain in force, and all the rights and privileges thereby granted shall be vested in said company.

SEC. 4. That Congress may at any time amend, alter, or repeal this act.

The following committee amendments were read:

Page 5, line 22, insert after the word "District" the words "of Columbia."

Page 6, lines 5 and 6, strike out the words "legally constituted authorities" and insert the word "Commissioners."

Page 6, line 15, strike out the words "legally constituted authorities" and insert the word "Commissioners."

Page 11, line 11, strike out the word "five" and insert the word "three."

Mr. McCLEARY of Minnesota. Mr. Speaker, I should like to ask the gentleman if the land south of the canal has been acquired?

Mr. WADSWORTH. Yes; the land south of the canal has been acquired, and practically the rest of the land.

Mr. McCLEARY of Minnesota. Is there any time fixed within which this road must be constructed?

Mr. WADSWORTH. Three years.

Mr. McCLEARY of Minnesota. Is the bill unanimously reported?

Mr. WADSWORTH. Yes. I move the passage of the bill.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

ASSESSMENT AND TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (S. 3456) to designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes.

The SPEAKER. The gentleman from Wisconsin calls up the following Senate bill.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of facilitating the assessment and taxation of real property in the territory within the limits of the District of Columbia lying outside of the city of Washington the following system of designating the several subdivisions, blocks, lots, and parcels of land is hereby prescribed, and each and every designation made or given in conformity with said system shall be deemed a sufficient description of the property to which it relates for all purposes of assessment and the collection of taxes and assessments of every kind.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized and directed to cause to be given numbers to all of said blocks or squares, lots or parcels of land as said blocks, squares, lots, or parcels of land have been formed by the highway-extension plan, now of record in the office of surveyor of the District of Columbia, and existing subdivisions, and to place the numbers so given upon the said highway-extension plan: *Provided*, That in all cases where two or more blocks or parts of contiguous existing subdivisions are surrounded as a group by existing streets or roads, or by proposed streets of the highway-extension plan, such group shall be numbered as a block or square upon the recorded plats of the highway-extension plan: *Provided further*, That where lots are numbered in duplicate in any block or square which includes parts of two or more existing subdivisions, new lot numbers shall be given said lots numbered in duplicate, and new lot numbers shall also be given to all parts of lots remaining after the extension of streets or alleys by dedication, condemnation, or purchase, whereby parts of lots have become public property: *Provided further*, That new lot numbers shall also be given to all parts of original and subdivided lots now existing on the records of the assessor and the surveyor of the District of Columbia.

SEC. 3. That the Commissioners of the District of Columbia shall cause to be prepared a series of volumes of plats, on a scale of 100 feet to the inch, embracing all the land in said District outside the city of Washington, these plats to show at all times the separate parcels of land created by subdivisions, sales, wills, condemnations, dedications, decrees of court, or otherwise, each with its distinctive number. Said books shall be kept in the office of the surveyor of said District, and shall be numbered according to the first and last page numbers of each volume, the pages being numbered continuously, and indefinitely rising in numbers as new books are opened to record changes in the outlines of parcels from any cause.

Mr. BAKER. I want to ask a question for information. Shall I wait until the bill is entirely read?

The SPEAKER. By unanimous consent, the first reading of the bill may be dispensed with, and the bill now be considered open for amendment. Is there objection?

There was no objection.

Mr. BAKER. Mr. Speaker, I merely wish to ask the chairman of the committee a question. This bill is entitled "A bill to designate parcels of land for assessment and taxation." I do not see anything in the provisions of the bill to alter the present method of assessment.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Missouri [Mr. COWHERD], who reported the bill.

Mr. COWHERD. Mr. Speaker, the gentleman from New York [Mr. BAKER] is right. This does not alter the method of assessment.

Mr. BAKER. I was going to ask whether the District Committee or the Commissioners of the District have considered a change in the method of assessment, and particularly whether they have considered what is known as the "Somers system," or zone system, of assessment. I understand that system has been successfully tried in Minneapolis, and that under it inequalities of assessment are almost neutralized.

Mr. COWHERD. I do not know what may have been considered by the Commissioners of the District. Nothing of that kind has come before the District Committee since I have been a member of it.

The SPEAKER. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 4. That for the purpose of keeping said books constantly current and up to date, the said Commissioners shall cause an employee of

the surveyor's office to make daily transcripts of all deeds of conveyance, wills, condemnations, decrees, and other instruments or proceedings by which boundaries are changed; for which purpose, such employee of the surveyor's office shall at all times during business hours have full and free access to all records of the recorder of deeds, register of wills, clerk of the supreme court, marshal, and other officials; and the surveyor shall daily furnish to the assessor a copy of such transcript, from which a duplicate set of taxation and assessment plat books shall be maintained by the said assessor: *Provided*, That the current series of taxation and assessment plat books in the surveyor's office shall be the standard book of reference for all purposes of assessment and taxation by all departments of the government of the District of Columbia, but shall not be considered as books of subdivision.

SEC. 5. That the designation given as hereinbefore prescribed to each block or square, lot or parcel of land, respectively appearing on the records of the assessor of the District of Columbia at the time any assessment or tax is levied for which such property may become subject to sale, shall be a complete and official designation of said block or square, lot or parcel of land, for the purpose of the collection of taxes or assessments of any kind, and the designations so given shall be considered good and sufficient descriptions in any advertisements of such property for sale for delinquent taxes or assessments.

SEC. 6. That in order to enable the said Commissioners to carry out the provisions of this act, the sum of $15,000 is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury of the United States not otherwise appropriated; said sum to be expended by contract or by per diem services, in the discretion of the Commissioners.

SEC. 7. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The following committee amendment was read:

Page 3, lines 24 and 25, strike out the comma after the word "Columbia" and insert a period, and also strike out the words "but shall not be considered as books of subdivision."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

ANACOSTIA, SURRATTSVILLE AND BRANDYWINE ELECTRIC RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia.

The SPEAKER. The gentleman from Wisconsin calls up the following bill, which will be reported by the Clerk.

The Clerk read the title of the bill.

Mr. BABCOCK. I make the request that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole under the five-minute rule.

Mr. BARTLETT. Mr. Speaker, this bill, being on the Union Calendar, should receive its first consideration in Committee of the Whole.

The SPEAKER. A request is made to discharge the Committee of the Whole from further consideration of the bill and to consider the same in the House as in Committee of the Whole.

Mr. BARTLETT. I dislike very much to do that.

Mr. BABCOCK. It has the same effect. It only saves time.

Mr. BARTLETT. I do not know whether it will or not. I object, Mr. Speaker.

The SPEAKER. The gentleman objects.

Mr. BARTLETT. Mr. Speaker, I will say that I do not think this bill, in its present form, ought to pass, and this is one way of defeating it.

Mr. BABCOCK. I want to say to the gentleman from Georgia that the Naval Committee is pressing for time, and the motion I make will give the gentleman the same right, with the Speaker in the chair, that he has in Committee of the Whole.

Mr. BARTLETT. The gentleman from Wisconsin proposes to go into Committee of the Whole House if this request is refused?

Mr. BABCOCK. Certainly; I have to.

Mr. BARTLETT. I do not desire to waste the time of the House, and I do not desire to make any captious objection.

The SPEAKER. The Chair will state to the gentleman from Georgia that it takes unanimous consent to discharge the Committee of the Whole and consider the bill in the House, but it would be under the same rule for amendment, and so forth.

Mr. BARTLETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Would there not be a right on the part of the gentleman in control of the bill to move the previous question?

The SPEAKER. Yes; there is that difference. While the bill would be considered under the five-minute rule, the previous question could be moved.

Mr. BARTLETT. That is what I thought.

The SPEAKER. But the previous question could not be moved so as to preclude amendments to be offered in the House, the same as they might be offered in Committee of the Whole. The previous question might be moved upon any amendment at any time.

Mr. BARTLETT. If the gentleman from Wisconsin will say that he will not move the previous question in the House as in Committee of the Whole, I will not object. There are several amendments that ought to be offered to the bill.

The SPEAKER. If we are in the House as in Committee of the Whole amendments that are germane will be in order until the House gets through with them.

Mr. BARTLETT. With that understanding, Mr. Speaker—that the previous question will not be moved until full opportunity is had for amendments—I will not object.

The SPEAKER. The Chair, on consultation, is informed that the Chair was in error, and that it would be within the power of the gentleman in charge of the bill to cut off amendment by calling for the previous question. Of course, it takes a majority to order the previous question. Whether the gentleman would do that or not is a matter between the gentleman from Wisconsin and the gentleman from Georgia.

Mr. BARTLETT. I am satisfied the gentleman from Wisconsin would not do it, but that would not prevent some other gentleman from making the motion. I do not desire to impede the consideration of this bill in the least, but I desire to get it in a position where certain amendments which I think ought to be made can be made.

Mr. BABCOCK. I will not object to the gentleman offering amendments.

Mr. BARTLETT. I have no doubt the gentleman will do as he says, but there are other Members here whom we can not bind.

The SPEAKER. Does the gentleman from Georgia object?

Mr. BARTLETT. I do.

Mr. BABCOCK. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of the bill just reported.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 81, noes 15.

Mr. BARTLETT. Mr. Speaker, I make the point of no quorum.

The SPEAKER (after counting). One hundred and forty-three Members present; less than a quorum. The doors will be closed, the Sergeant-at-Arms will bring in absent Members, and the Clerk will call the roll. All those in favor of the motion of the gentleman from Wisconsin to go into Committee of the Whole will answer "aye," and all those opposed will answer "no."

The question was taken; and there were—yeas 134, nays 66, answering "present" 14, not voting 170, as follows:

YEAS—134.

Ames	Dovener	Kennedy	Payne
Babcock	Dresser	Kinkaid	Porter
Baker	Evans	Knapp	Prince
Beidler	Field	Knopf	Robinson, Ind.
Bell, Cal.	Foss	Kyle	Shiras
Birdsall	French	Lacey	Sims
Bishop	Fuller	Landis, Frederick	Smith, Ill.
Bonynge	Gaines, W. Va.	Lind	Smith, Wm. Alden
Boutell	Garber	Little	Smith, Tex.
Bowersock	Gibson	Littlefield	Snapp
Brick	Gillet, N. Y.	Lloyd	Southall
Brown, Wis.	Gillett, Mass.	Longworth	Southard
Brownlow	Glass	Loud	Spalding
Buckman	Gooch	McCleary, Minn.	Stafford
Burke	Granger	McCreary, Pa.	Stephens, Tex.
Burleigh	Grosvenor	McLachlan	Sterling
Butler, Pa	Hamilton	McMorran	Stevens, Minn.
Calderhead	Haskins	Macon	Sulloway
Campbell	Hay	Mahon	Talbott
Capron	Hedge	Mann	Tawney
Cassel	Hemenway	Marshall	Tirrell
Cooper, Pa.	Henry, Conn.	Miller	Wachter
Cooper, Tex.	Hildebrant	Mondell	Wanger
Cowherd	Hill, Conn.	Moon, Tenn.	Warner
Cromer	Hinshaw	Morrell	Warnock
Crumpacker	Howell, N. J.	Mudd	Webber
Currier	Huff	Murdock	Weems
Cushman	Hughes, W. Va.	Needham	Wilson, Ill.
Dalzell	Hull	Norris	Wood
Darragh	Humphrey, Wash.	Otjen	Woodyard
Davis, Minn.	Hunter	Overstreet	Young
Dayton	Jackson, Ohio	Padgett	Zenor
Denny	Jenkins	Page	
Dixon	Jones, Wash.	Parker	

NAYS—66.

Aiken	Croft	Henry, Tex.	Kline
Bankhead	Finley	Hopkins	Lamar, Fla.
Bartholdt	Garner	Humphreys, Miss.	Legare
Bartlett	Gillespie	James	Lever
Beall, Tex.	Gregg	Johnson	Lewis
Bowers	Griffith	Jones, Va.	McDermott
Brundidge	Griggs	Kehoe	McNary
Burgess	Hardwick	Keliher	Maddox
Byrd	Harrison	Kitchin, Claude	Maynard
Cochran, Mo.	Heflin	Kitchin, Wm. W.	Miers, Ind.

Patterson, N. C.	Rider	Sparkman	Underwood
Pierce	Rixey	Spight	Volstead
Pinckney	Robinson, Ark.	Sullivan, Mass.	Wiley, Ala.
Powers, Me.	Russell	Swanson	Williams, Ill.
Randell, Tex.	Sheppard	Thayer	Williams, Miss.
Reeder	Sherley	Thomas, N. C.	
Rhea	Small	Trimble	

ANSWERED "PRESENT"—14.

Brantley	Howard	Loudenslager	Stanley
Cassingham	Hunt	Lucking	Wade
Cockran, N. Y.	Lawrence	Meyer, La.	
Goulden	Littauer	Slayden	

NOT VOTING—170.

Acheson	Dinsmore	Kluttz	Ruppert
Adams, Pa.	Dougherty	Knowland	Ryan
Adams, Wis.	Douglas	Lafean	Scarborough
Adamson	Draper	Lamar, Mo.	Scott
Alexander	Driscoll	Lamb	Scudder
Allen	Dunwell	Landis, Chas. B.	Shackleford
Badger	Dwight	Lester	Sherman
Bassett	Emerich	Lilley	Shober
Bates	Esch	Lindsay	Shull
Bede	Fitzgerald	Livernash	Sibley
Benny	Fitzpatrick	Livingston	Slemp
Benton	Flack	Lorimer	Smith, Iowa
Bingham	Flood	Lovering	Smith, Ky.
Bowie	Fordney	McAndrews	Smith, N. Y.
Bradley	Foster, Ill.	McCall	Smith, Pa.
Brandegee	Foster, Vt.	McCarthy	Smith, Samuel W.
Breazeale	Fowler	McLain	Snook
Brooks	Gaines, Tenn.	Marsh	Southwick
Broussard	Gardner, Mass.	Martin	Sperry
Brown, Pa.	Gardner, Mich.	Minor	Steenerson
Burkett	Gardner, N. J.	Moon, Pa.	Sullivan, N. Y.
Burleson	Gilbert	Morgan	Sulzer
Burnett	Gillett, Cal.	Nevin	Tate
Burton	Goebel	Olmsted	Taylor
Butler, Mo.	Goldfogle	Otis	Thomas, Iowa
Caldwell	Graff	Palmer	Thomas, Ohio
Candler	Greene	Patterson, Pa.	Townsend
Castor	Gudger	Patterson, Tenn.	Vandiver
Clark	Hamlin	Pearre	Van Duzer
Clayton	Haugen	Perkins	Van Voorhis
Connell	Hearst	Pou	Vreeland
Conner	Hepburn	Powers, Mass.	Wadsworth
Cooper, Wis.	Hermann	Pujo	Wallace
Cousins	Hill, Miss.	Rainey	Watson
Crowley	Hitchcock	Ransdell, La.	Webb
Curtis	Hitt	Reid	Weisse
Daniels	Hogg	Richardson, Ala.	Wiley, N. J.
Davey, La.	Holliday	Richardson, Tenn.	Williamson
Davidson	Houston	Robb	Wilson, N. Y.
Davis, Fla.	Howell, Utah	Roberts	Wright
De Armond	Hughes, N. J.	Robertson, La.	Wynn
Deemer	Jackson, Md.	Rodenberg	
Dickerman	Ketcham	Rucker	

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. HAUGEN with Mr. GUDGER.

For the day:

Mr. ESCH with Mr. CROWLEY.

Mr. DUNWELL with Mr. HEARST.

Mr. PALMER with Mr. CLAYTON.

Mr. OLMSTED with Mr. SMITH of Kentucky.

Mr. ACHESON with Mr. BADGER.

Mr. ADAMS of Wisconsin with Mr. BASSETT.

Mr. BEDE with Mr. BENNY.

Mr. BRANDEGEE with Mr. BOWIE.

Mr. BURKETT with Mr. BENTON.

Mr. BROWN of Pennsylvania with Mr. BREAZEALE.

Mr. BURTON with Mr. RICHARDSON of Tennessee.

Mr. CASTOR with Mr. BROUSSARD.

Mr. COOPER of Wisconsin with Mr. BURLESON.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. CONNER with Mr. BURNETT.

Mr. CURTIS with Mr. DE ARMOND.

Mr. DEEMER with Mr. SHULL.

Mr. DOUGLAS with Mr. EMERICH.

Mr. FORDNEY with Mr. DAVEY.

Mr. FOWLER with Mr. DAVIS of Florida.

Mr. GARDNER of Massachusetts with Mr. CALDWELL.

Mr. GILLETT of California with Mr. FLOOD.

Mr. GOEBLE with Mr. FITZPATRICK.

Mr. GRAFF with Mr. GAINES of Tennessee.

Mr. HEPBURN with Mr. LESTER.

Mr. HITT with Mr. LINDSAY.

Mr. HOGG with Mr. HAMLIN.

Mr. HOLLIDAY with Mr. HILL of Mississippi.

Mr. KNOWLAND with Mr. HITCHCOCK.

Mr. LOVERING with Mr. HOUSTON.

Mr. MCCARTHY with Mr. LIVERNASH.

Mr. MINOR with Mr. MCLAIN.

Mr. NEVIN with Mr. GOLDFOGLE.

Mr. POWERS of Massachusetts with Mr. KLUTTZ.

Mr. RODENBERG with Mr. RAINEY.

Mr. ROBERTS with Mr. SHACKLEFORD.

Mr. SIBLEY with Mr. WEISSE.

Mr. SCOTT with Mr. HUGHES of New Jersey.

Mr. SMITH of Iowa with Mr. TATE.

Mr. SLEMP with Mr. PUJO.

Mr. VREELAND with Mr. SCARBOROUGH.

Mr. WATSON with Mr. WEBB.

Mr. WILEY of New Jersey with Mr. VAN DUZER.

Mr. WADSWORTH with Mr. VANDIVER.

Mr. THOMAS of Iowa with Mr. WALLACE.

Mr. WILLIAMSON with Mr. ROBB.

Mr. TOWNSEND with Mr. REID.

Mr. MOON of Pennsylvania with Mr. LAMAR of Missouri.

Mr. BROOKS with Mr. LAMB.

Mr. GARDNER of Michigan with Mr. WILSON of New York.

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. DRAPER with Mr. DINSMORE.

Mr. DWIGHT with Mr. SCUDDER.

Mr. SPERRY with Mr. FITZGERALD.

Mr. ALLEN with Mr. SHOBER.

Mr. SOUTHWICK with Mr. ROBERTSON of Louisiana.

Mr. THOMAS of Ohio with Mr. RUCKER.

Mr. LILLEY with Mr. DOUGHERTY.

Mr. KETCHAM with Mr. GILBERT.

Until the 18th:

Mr. CHARLES B. LANDIS with Mr. CLARK.

Until further notice:

Mr. SMITH of New York with Mr. TAYLOR.

Mr. PEARRE with Mr. FOSTER of Illinois.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. LORIMER wtih Mr. MCANDREWS.

Mr. MARSH with Mr. PATTERSON of Tennessee.

Mr. ALEXANDER with Mr. SULLIVAN of New York.

Mr. COUSINS with Mr. WADE.

Mr. WRIGHT with Mr. SNOOK.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. DAVIDSON with Mr. RANSDELL of Louisiana.

Mr. BATES with Mr. CANDLER.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SAMUEL W. SMITH with Mr. SULZER.

Mr. OTIS with Mr. RYAN.

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. FOSTER of Vermont with Mr. POU.

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.

Mr. WANGER with Mr. ADAMSON.

The SPEAKER. Upon this question the yeas are 134, the nays 65, answering "present" 14. A quorum is present. The ayes have it. The doors will be opened, and the House will resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill referred to, and the gentleman from Illinois, Mr. STERLING, will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia.

Mr. BABCOCK. Mr. Chairman, I ask that the first reading of the bill be dispensed with, and that it be now read under the five-minute rule for amendments.

The CHAIRMAN. The gentleman from Wisconsin asks that the first reading of the bill be dispensed with and that the bill be read under the five-minute rule for amendments. Is there objection?

Mr. BARTLETT. Mr. Chairman, I do not object to that, but will there be any general discussion of the bill?

Mr. BABCOCK. We will go right along and read the bill, and you can discuss it all you want.

Mr. BARTLETT. I do not object to dispense with the first reading of the bill, but there ought to be some discussion of the bill.

Mr. BABCOCK. Well, we will go on under the five-minute rule, and you can talk all you want and you can take my time.

Mr. LITTLEFIELD. The gentleman says you can have time to discuss it now, does he not?

The CHAIRMAN. The Chair will put the question. Is there objection to dispensing with the first reading of the bill? [After a pause.] The Chair hears no objection.

Mr. MORRELL. Mr. Chairman, I understood, coupled with the request, that the gentleman from Wisconsin stated that there would be no general discussion of the bill, but we would

at once proceed to consider it under the five-minute rule. Am I correct as far as that is concerned?

The CHAIRMAN. The gentleman from Georgia objected to that.

Mr. BARTLETT. No; I did not. I beg your pardon, I did not make any objection to the other statement of the gentleman from Wisconsin.

The CHAIRMAN. The Chair understood the gentleman from Georgia objected for the reason it would cut off general debate.

Mr. BARTLETT. I did not object; I simply inquired of the gentleman from Wisconsin if it would, and he said it would not.

Mr. BABCOCK. I said to the gentleman from Georgia he would have all the time he wanted and my time, too. There is no disposition at all to cut off debate. There is no objection, Mr. Chairman.

The CHAIRMAN. There being no objection, the Clerk will report the bill under the five-minute rule.

The Clerk read as follows:

SEC. 13. That the rate of fare which may be charged for the transportation of passengers over the line of said company within the District of Columbia shall not exceed 5 cents per passenger, and six tickets shall be sold for 25 cents: *Provided, however*, That the said Anacostia, Surrattsville and Brandywine Electric Railway Company and the Anacostia and Potomac River Railroad Company are hereby required to issue free transfers, so that for the payment of one fare a passenger on any one of the roads shall have the privilege of a continuous ride over the lines of the other in the District of Columbia.

Mr. BABCOCK. Mr. Chairman, I desire to offer an amendment to that section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out after the word "cents," in line 1, page 5, all down to and including the word "Columbia," in line 7.

Mr. BABCOCK. Now, Mr. Chairman, this provision in the bill compels the road inside of the District of Columbia to issue free transfers with this short line of street railway, about a mile and a half long, which is an overhead trolley, and the representatives of the company in the District of Columbia object on the ground that it is not equitable for 20 miles of underground construction to exchange transfers with a line of a mile and a half of overhead construction, and I advised them when this provision was reached that I would offer the amendment which I have sent to the Clerk's desk.

Mr. McCLEARY of Minnesota. What does that amendment do?

Mr. BABCOCK. It does not provide for any transfers at all as between these two lines. They have to make their own arrangements.

Mr. BAKER. Mr. Chairman, I would like to ask what the effect of this amendment would be? As I understand, the bill as reported calls for the issue of free transfers, and if that clause is stricken out then the railroad company will be able to exact a fare of 5 cents, will it not—get 5 cents for a ride over the small portion of the District through which this road is to run?

Mr. BABCOCK. The gentleman is correct. The roads would then have to make their own arrangements for transfers. The theory of the amendment is that it will not be equitable for 20 miles of line to issue free transfers for a road of the length of a mile and a half, or, in other words, that the road in the District of Columbia would probably exact two-thirds of the fare and the other line one-third.

Mr. BAKER. Yes; but supposing any one person wished to travel on this road one mile and a half, then they would have to pay 5 cents?

Mr. BABCOCK. They have to pay their fare.

Mr. BAKER. Well, it seems to me, Mr. Chairman, that that is an extortionate and exorbitant fare, and I therefore move as an amendment to the amendment that where a fare is paid for that portion of the road within the District and no transfer is asked that not to exceed 3 cents shall be charged.

The CHAIRMAN. Will the gentleman put his amendment in writing?

Mr. BAKER. I will.

The CHAIRMAN (after a pause). The Clerk will report the amendment.

The Clerk read as follows:

That where a cash fare is paid for a ride entirely within the District and no transfer is asked for that then the company shall only charge 3 cents for a ride within the District of Columbia.

Mr. BABCOCK. Mr. Chairman, I certainly can not understand the effect of that amendment.

Mr. BAKER. Well, Mr. Chairman, the effect of that amendment would be this, that where anybody boards a car on that road within the District and does not desire to go beyond the District line or beyond its terminus in the city of Washington, they will only have to pay 3 cents for that ride of a mile and a half or less. If they do not ask for a transfer, and there will undoubtedly be people who will not want transfers to other roads, the fare will be limited in that case to 3 cents. It seems to me that is a fair proposition, that where people only want to travel a short space within the District that the railroad company should be restricted to a fare of 3 cents.

Mr. BABCOCK. I understand the effect is that where you have got a piece of road about a mile and a half long in the District they will pay only a 3-cent fare.

Mr. BAKER. If he rides within the District and does not ask for a transfer.

Mr. BABCOCK. What about the 5-cent provision in the amendment?

Mr. BAKER. A 5-cent fare would be required where the passenger wants a transfer, and this could be arranged for with the existing companies.

Mr. BABCOCK. Mr. Chairman, I ask for a vote.

Mr. BAKER. I understand the gentleman from Wisconsin [Mr. BABCOCK] accepts the amendment.

Mr. BABCOCK. I am simply asking for a vote.

Mr. BAKER. I have just one word to say on that subject. Mr. Chairman, I suppose there is no matter in the United States, in our cities, that is provoking so much thought, inciting so much attention as this matter of street-railroad fares. Now, within the last fifteen or twenty years there have been such tremendous advances made in the means and methods for transporting passengers—I do not mean that the companies have always provided those facilities, but I mean that inventions have made possible facilities of which in some cases the railroad companies have availed themselves, and sometimes have not—those advances have been so tremendous that the cost of transporting persons on railroads to-day by electricity is very much less than was the cost of transferring passengers by horse cars or by cables.

Now, we are always met with this proposition. The moment anybody suggests that there is a street-railroad company in some city that is making enormous earnings upon its real capital (watered four or five times), we are told, "Oh, they have vested rights! Their charter permits them to charge 5 cents!" Waiving now the question of whether those situations should be changed, we have here an original proposition. Let us do what is right here and now. Do not let this bill carry with it a possibility of this company charging a 5-cent fare, so that next year, or some time afterwards, when a complaint is made against the fare being exorbitant, they may say, "Oh, we have the right to charge it." You know the plea that is always made, which is "We are only earning a small portion of dividends upon our stock." If I had the time I could cite to the House a number of railroads, the capitalization of whose stock is from three to four and even five times the actual amount of capital ever invested in the company. Such capitalization frequently includes all the improvements that have been made, the constant changes and repair in its tracks, and things of that kind. If a merchant is engaged in business and he paints his store and makes alterations to it, he does not say, "This is an addition to my capital." He says "That is a part of the cost of the operation of my business;" he does not charge that as an asset. It would be useless if he did, as he could not charge any more for his goods. But the street-railroad companies say this, or, in effect, they do it. They put $1,000,000 into improvements, replacing its worn-out rails, or cars, its poles, and things of that kind, and then they claim that as an addition to their capital. These ought all to be charged to the business of operation, and ought not to be permitted to be an excuse for being a burden upon the community in the shape of excessive fares on the plea that they are necessary to pay dividends. Yet, that is constantly done. In the city in which I live the rails, poles, and wires that have been destroyed or replaced, the cars that have been burned or sold, are still included in the capital stock of that company.

That is the reason we Brooklynites are called upon to pay the extortionate fare of 5 cents, notwithstanding the inadequate service of the Brooklyn Rapid Transit Company. Here is an opportunity for this House to do right at the start. We are told you must not attack "vested rights." We never hear of "vested wrongs." Do not create this "vested right" to charge 5 cents now. Do not permit this charter to carry the right to charge an extortionate fare for this small service of riding on this road for a mile and a half.

[Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. BAKER. Division!

The House divided; and there were—ayes 15, noes 30.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Wisconsin.

The question was taken; and the amendment was agreed to.

Mr. HILL of Connecticut. I would like to ask the gentleman having the bill in charge a question. I find that the first section provides for the construction of this road with single or double tracks, equip and operate the same for the carrying of passengers, parcels, milk, garden truck, and other small freight. Section 2 allows this company to transfer its cars to the tracks of the other railroad and the other railroad to transfer its cars over the tracks of this railroad.

Now, I have had a little experience in the chartering of street railroads and in their management and construction. While I do not know the locality that is covered by these lines, I do contend that it would be a very serious mistake in the District of Columbia or the city of Washington to grant a franchise or privilege for the carrying of freight through the center of the streets. A street-car line carrying passengers has the right to occupy the street; but express companies running freight cars, purely for private gain, it seems to me ought not to be allowed to run on car lines through the center of the city, the capital of the country.

Mr. MANN. Does the gentleman think it possible that a freight car carrying freight will be any more dangerous than automobiles using the streets without any restriction?

Mr. HILL of Connecticut. It is not a question of danger, but of inharmonious surroundings—impairing the general effect by using the streets.

Mr. BABCOCK. It is just the same in the other charters.

Mr. HILL of Connecticut. I do not know what the existing charters are, but if any charter contains that provision it ought to be stopped. I do not believe the streets of the city of Washington ought to be used for transacting a freight business. I think this feature of the bill ought to be stricken out.

Mr. BABCOCK. In answer to the gentleman from Connecticut, I will say this bill refers to 1½ miles of construction from Anacostia out to the District line. This refers to the connection of what we know as the Anacostia road, and there is no line into the city proper.

Mr. HILL of Connecticut. Then it is not in the city?

Mr. BABCOCK. It is in a part of the city.

Mr. MUDD. It is from Anacostia Bridge down to the steamboat landing at the foot of Seventh street.

Mr. BABCOCK. I will say that in a number of charters this provision has been granted already within the city limits, and in that regard we have simply put in the same that we do with the other lines.

Mr. HILL of Connecticut. I do not know what was done to the other lines and I do not care; but I do suggest that within the city limits of Washington, the capital of the country, the streets should not be used for running freight cars.

Mr. BABCOCK. I want to call the gentleman's attention to the fact that the entire time schedules of the cars and everything must be under regulations that must be approved by the Commissioners.

Mr. HILL of Connecticut. I do not care who approves them.

Mr. BABCOCK. Would the gentleman believe that the transferring of freight over the road, principally milk, and taking it a mile down to the steamboat landing at 12 o'clock at night, would be subject to such an objection?

Mr. HILL of Connecticut. I do.

Mr. BABCOCK. Well, then, I will have to disagree with the gentleman on that proposition.

Mr. LITTLEFIELD. I have been informed that this charter has been granted, expired, and renewed quite a number of times. Now, can any gentleman inform me what is the ground for its continued renewal?

Mr. BABCOCK. I will say to the gentleman from Maine that it is of importance to the people living in Maryland, who want to get a connection from Brandywine to the city. It is very desirable; that is a very populous country; and I will yield to the gentleman from Maryland [Mr. MUDD], who will explain the details of the bill.

Mr. MUDD. The charter has never been renewed; it can not be renewed, because it has never yet been granted.

Mr. LITTLEFIELD. Some charter was drawn, including some other road.

Mr. MUDD. That wants to keep this railroad out.

Mr. LITTLEFIELD. I have been informed that either this or a similar charter has been authorized and consent given to the other road.

Mr. MUDD. Never.

Mr. LITTLEFIELD. And that the charter expired several times.

Mr. MUDD. That is not true.

Mr. LITTLEFIELD. And the objects of the projectors have never been realized.

Mr. MUDD. That is not true as to either charter—the one in Maryland or the one being asked in this District.

Mr. LITTLEFIELD. Then I have been incorrectly informed.

Mr. MUDD. The incorporation in the State of Maryland took place last year, or perhaps a little over a year ago. A bill to extend the route as incorporated in Maryland into the District of Columbia was subsequently introduced in the House, at the request of the Maryland incorporators, by myself, and this bill is a Senate duplication of the House bill. We are now acting upon the Senate bill.

Mr. CAMPBELL. Mr. Chairman, while the gentleman from Maryland is on his feet I would like to ask him a question or two.

Mr. MUDD. I move to strike out the last word, in order to get five minutes to answer the questions of the gentleman from Kansas.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. MUDD. Now, I will hear the gentleman's questions and will answer them if I can.

Mr. CAMPBELL. It is probable I would have been advised of this if I had been in the committee room at the time the bill was considered there. I have no information, and therefore I ask the gentleman from Maryland what is the capital stock of the company that proposes to build this road?

Mr. MUDD. Three hundred thousand dollars in the State of Maryland, as I am informed.

Mr. CAMPBELL. Is that capital stock paid in?

Mr. MUDD. Not all of it; but I assume—I do not know the facts at all—that a road incorporated under a general incorporation law in the State of Maryland has complied with all the requirements of the law of the State. I have heard nothing to the contrary. I know that an organization has been effected, and it can not be effected without a certain amount of the capital stock being subscribed and a certain amount paid in, and assume that these requirements have been complied with. I know nothing to the contrary and have had no intimation to any such effect.

Mr. CAMPBELL. Has it any railroad property now?

Mr. MUDD. No; it has no railroad property now, except rights of way; but upon that point, Mr. Chairman, I think I may say, and I think the committee will agree with me, that it would be an absolute impossibility for a railroad company incorporated to run from a small village in about the center of the county adjoining the District of Columbia, and to come to the District line, 2 or 3 miles, across the Eastern Branch, which is practically nowhere, to build its road, and that no capitalist would invest money to help to build a road in a strictly rural section until the company had a charter allowing it to get to its point of destination, in this case the city of Washington. The city of Washington is the objective point and the chief terminus of this Maryland railroad.

Mr. CAMPBELL. That is, of the proposed railroad.

Mr. MUDD. Of the proposed railroad in Maryland; and I will add also in this connection that the history of railroads in the city of Washington and in the State of Maryland together will show no instance of a railroad chartered in Maryland (and I apprehend the same will hold true as to Virginia) having been completed or any substantial portion of it built until those who were asked to invest in the railroad and to put up the capital necessary to construct it were fairly given to understand that they could get inside of the District of Columbia; in other words, could get to the city of Washington.

Mr. CAMPBELL. What distance is the proposed road from the road with which it expects to connect?

Mr. MUDD. I do not quite understand that question. Does the gentleman mean what is the length of the line in Maryland?

Mr. CAMPBELL. Yes.

Mr. MUDD. About 16 or 18 miles. It will form a very desirable link from the terminus of what is called the "Southern Maryland Railroad," in Prince George County, Md., through which it passes, to the city of Washington.

Mr. CAMPBELL. When completed, what will be the total mileage of this railroad?

Mr. MUDD. In Maryland it will be about 16 miles.

Mr. CAMPBELL And about how much in the District of Columbia?

Mr. MUDD. About 2 miles or thereabouts in the District of Columbia. I will say in this connection, if the gentleman will allow me——

Mr. CAMPBELL. What is the objection of the promoters of the road, or the incorporators, to having one fare on the road in Maryland and in the District of Columbia?

Mr. BABCOCK. The objection is not on their part, but on the part of the Washington road.

Mr. CAMPBELL. I mean on their own lines.

Mr. MUDD. I will answer that there are few railroads in the United States that carry passengers 20 miles for 5 cents. I do not think it would be a very paying proposition at that price.

Mr. CAMPBELL. The additional 2 miles would not be much of a burden upon the company within the District.

Mr. MUDD. I am not sure that it would be, but the proposition as to the price to be paid on the part of the line in the District of Columbia has been acted upon and settled, as I understand.

The portion of the road in the District of Columbia, I will say, does not enter the city limits proper at all. It goes, I think, about 2 miles or thereabouts in what is called the rural section of the District of Columbia. The whole line would be on the eastern and southern side of the Eastern Branch of the Potomac, or Anacostia River, and I think if my friend would go over there he would conclude that it was a section of the District of Columbia, and if he went farther he would see it was a section of Maryland, that badly needed some railroad facilities. There are none there now, and the section of country to be traversed would abundantly sustain a railroad of the character contemplated, in my judgment.

Mr. LITTLEFIELD. Mr. Chairman, I would like to ask the gentleman a question.

Mr. MUDD. Very well.

Mr. LITTLEFIELD. Has this Maryland road of 16 miles, necessary to connect the terminus there with the other link in the District of Columbia, been constructed?

Mr. MUDD. Oh, no.

Mr. LITTLEFIELD. How long has it been projected?

Mr. MUDD. I think somewhat over a year.

Mr. LITTLEFIELD. How long have they had a charter for building it in Maryland?

Mr. MUDD. The length of time that it has been projected. The road was incorporated in Maryland under the general incorporation law of that State.

Mr. LITTLEFIELD. About when was that?

Mr. MUDD. About a year ago or a little more.

Mr. BABCOCK. It was on the 2d of February, 1903.

Mr. LITTLEFIELD. About two years ago.

Mr. MUDD. Shortly after that, in the latter part of the last Congress, as soon as the incorporators could fairly get an opportunity to formulate and present their bill, it was introduced here to let them into the District of Columbia. It failed of consideration because there was not time. It was renewed by reintroduction in the present Congress, but the bill has not been considered until this time. Now, because it has not been acted upon earlier is no fault of those who obtained the charter in Maryland.

Mr. LITTLEFIELD. I agree with the gentleman about that. I would like to inquire whether or not this projected road crosses any bridge in which the Government has an interest?

Mr. MUDD. It does not.

Mr. LITTLEFIELD. Doesn't it cross the Navy-Yard Bridge?

Mr. MUDD. No; it comes to the eastern side, but does not touch the bridge. The idea is that it shall connect with another railroad that already goes over the bridge.

Mr. LITTLEFIELD. The president of the Board of Commissioners of the District of Columbia says:

A bill similar to the one now under consideration was introduced in the Fifty-seventh Congress and was reported upon by the Commissioners. They recommended certain changes in that bill, which changes have all been incorporated in the present bill.

The Commissioners are in favor of increasing the street-railway facilities east of the Anacostia River, and would therefore recommend favorable action on the bill. It should be stated, however, in this connection, that the Navy-Yard Bridge, over which the increased traffic would have to pass, has been heretofore reported by the Commissioners to Congress as being at present overstrained, and an item asking for its rebuilding is contained in the estimates of the Commissioners for the ensuing fiscal year. It may therefore be necessary to restrict or forbid the passage of street cars over it.

From that I should rather infer that it does cross the bridge.

Mr. BABCOCK. No; I will clear that up. This Congress has appropriated $350,000 to renew that bridge.

Mr. LITTLEFIELD. I understand that is a Senate amendment, but it has not passed this House.

Mr. BARTLETT. The House refused to put the amendment on; it went out on a point of order made by the gentleman from Minnesota [Mr. DAVIS].

Mr. MUDD. Mr. Chairman, I believe I have the floor; I want to make a further explanation.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that he may have five minutes more. Is there objection?

There was no objection.

Mr. MUDD. I think the gentleman, on reading the bill, will find that it nowhere says that this railroad company shall have authority to cross the river. The report that he reads from speaks of the additional traffic that will come over the bridge; in other words, the added number of people that will be brought over by the railroad with which it connects. Now, these people will not be any heavier coming over in that way than if they walk or drive in a buggy. [Laughter.]

Mr. LITTLEFIELD. That is a criticism on the statement of the Commissioners.

Mr. MUDD. I do not think the Commissioners have been very lucid or very exact in that statement as to the bridge.

Mr. LITTLEFIELD. It may be that they are not sufficiently agile to appreciate the situation. The gentleman's facetious remarks apply to the Commissioners of the District of Columbia.

Mr. MUDD. Entirely. The western terminus of this road is at the eastern terminus of the Anacostia bridge.

Mr. LITTLEFIELD. If we pass this bill we may practically put the District of Columbia in a position that it will have to appropriate $350,000 to reconstruct this bridge.

Mr. BABCOCK. Let me say to the gentleman from Maine that $250,000 has already been appropriated and is now law. The last appropriation bill provided for increasing to $375,000.

Mr. LITTLEFIELD. In addition?

Mr. BABCOCK. No; $125,000 more, which went out on a point of order. But a member of the Appropriations Committee advises me that the $250,000 appropriation is already law, and probably the extra $125,000 will be added in the other body when the District bill is passed. This has got to be expended anyhow.

Mr. McCLEARY of Minnesota. The present status of the matter is this: The bridge has been authorized, to cost $250,000. The proposition to which reference has been made is simply to increase the limit of cost by $125,000. That increased limit of cost has nothing to do with this proposition.

Mr. LITTLEFIELD. And will not be influenced by this legislation.

Mr. McCLEARY of Minnesota. No.

The Clerk read as follows:

SEC. 15. That the said company, through its proper officers, shall annually, on or before August 1, make return under oath to the board of personal tax appraisers of the District of Columbia of the amount of its gross receipts in the District of Columbia during the preceding year ending June 30, and shall pay to the collector of taxes of the District of Columbia, at the same time and in the same manner as other personal taxes are paid, an amount equal to 4 per cent per annum thereon in lieu of other personal taxes; that the real estate of the said company in the District of Columbia shall be assessed and taxed as is other real estate in said District.

Mr. BAKER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee the significance of the language in this section providing, as it appears to provide, a 4 per cent tax upon the gross receipts in the District of Columbia. Now, there is nothing in the bill, so far as I have been able to find, to show whether there is going to be one fare charged, a uniform fare, over the road, or whether there is going to be a separate fare within the District of Columbia as distinct from that portion of the road which is outside of the District. What I would like to know is whether this language is sufficiently definite?

Mr. BABCOCK. Mr. Chairman, I would say, in the first place, that Congress can not legislate beyond the Maryland line.

Mr. BAKER. I appreciate all of that.

Mr. BABCOCK. And that in the several conditions that exist here to-day—in fact, on all of the lines, as I understand it—a separate fare is charged in the District, and outside of the District we have no control.

Mr. BAKER. The existing roads to-day have to make a report of the fares collected inside of the District?

Mr. BABCOCK. Yes.

Mr. BAKER. Whether the fares are actually collected outside the District or not?

Mr. BABCOCK. Well, the rule has been that when you get to the District line the conductor comes around the second time.

Mr. BAKER. Oh, yes; I see. Then, of course, I understand the language, but I did not know whether a fare might be collected outside the District which would bring the passenger into the District.

Mr. BABCOCK. That is not the practice on the other lines.

Mr. BAKER. And it would not be under this bill?

Mr. BABCOCK. No.

The Clerk read as follows:

SEC. 17. That said company is authorized to construct and operate, for its own use only, telegraph and telephone lines along its railway, as herein provided for, subject to the approval of the Commissioners of the District of Columbia.

Mr. MORRELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of section 17, page 7, the following:

"*Provided*, That the said company shall complete and equip its road in the State of Maryland from Brandywine to the boundary line of the District of Columbia before it shall have any of the privileges conferred by this act."

Mr. MORRELL. Mr. Chairman, the object of the amendment just read seems to me very plain, viz, that this railroad should be compelled to construct its 18 miles of road outside of the District of Columbia before any of the privileges granted under this bill to tear up and mutilate the streets within the District shall become operative. I have been informed—whether my authority is good or not I am not prepared to say—that there are defects in the charter of this company. The charter of this company was one granted in the State of Maryland, and the company is therefore a foreign corporation. Notwithstanding this, its charter or the conditions thereof were never submitted to the members of this committee when this bill came up for consideration. I object, therefore, if it is so that this charter is defective, to admitting into the District and giving the privileges contained in this bill to a foreign corporation with a defective charter. Another point is that there are several privileges granted in the Maryland charter which are not recognized in the incorporation laws of the District of Columbia.

As far as section 18 of this bill is concerned, this railroad would not be obliged to build more than perhaps a block of its road to retain its entrance into the District of Columbia, for the reason that this section reads that only such portions shall be forfeited within the District as have been completed at that time. I therefore trust that as an evidence of good faith upon the part of this railroad it shall be required to complete its 18 miles of road in Maryland before it is allowed to enter into the District of Columbia under the provisions of this bill.

Mr. BABCOCK. Mr. Chairman, I think if the gentleman had fully understood the amendments that are prepared to be offered to this bill he would not have submitted this amendment. In the first place, the charter in Maryland to the District line is absolutely worthless, and money can not be had to build that line until it is known it can make a connection with the Washington roads. I was shown a day or two since a letter and telegram from what are supposed to be reputable capitalists that the money was ready for the construction of the whole as soon as they were assured of the charter from the District line to Anacostia. Now, if you adopt this provision you are likely to defeat the whole project or put a bar in that would prevent the gentlemen raising the money.

Now, an amendment will be offered to this bill which provides that they forfeit the whole charter unless they build all the line, so that what the gentleman says—they might build a block and hold it—does not have weight; but one of the members of the committee will offer that amendment, which I hope will be adopted, providing that all of this line must be constructed within this period of time or they forfeit the entire charter; and I think the gentleman from Pennsylvania will readily see that he will absolutely paralyze the efforts of these gentlemen—good, reputable citizens of Maryland—to construct this line if he insists upon the whole 18 miles being constructed before this charter goes into effect. Now, they might want to commence building from Anacostia the other way, as that is the natural way to construct it where they can get the material. I hope, therefore, the gentleman will withdraw his amendment.

Mr. MORRELL. In answer to the gentleman from Wisconsin I do not see that the conclusions that he has drawn are material at all if he says the gentlemen have the money and are prepared to go ahead with the construction of this entire project. All I ask is they shall give us evidence of their good faith that they are going to complete this road. We are here to protect the District of Columbia, and in offering this amendment I am trying to protect that property which is contained within the District of Columbia, and I do not want any portion of the District of Columbia or its streets touched until these people who have all this money ready to expend for building 18 miles outside of the limits of the District of Columbia shall have done so. I am sorry not to be able to oblige the chairman of the committee, but I must insist upon my amendment.

Mr. LITTLEFIELD. I did not get your amendment, please.

Mr. MORRELL. I request that the amendment be read again by the Clerk.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. BARTLETT. Mr. Chairman, I am in favor of this amendment offered by the gentleman from Pennsylvania [Mr. MORRELL]. Let us see what we are proposing to do by this bill. It seems that this charter of the Anacostia, Surrattsville and Brandywine Railway Company was granted on February 3, 1903, by the State of Maryland under its general laws to incorporate railroads, and by this bill we give them the right to come into the District of Columbia, without any restriction upon that right as to what power they shall exercise, thus giving them all the rights granted by their charter. We do not say that they shall come into the District simply for the purpose of building a railroad. We permit them to come in, exercising those charter rights which they have under the laws of the State of Maryland, part of which are to build an electric railway line. Now, this railroad company under its charter has not only the right, under the Maryland law, to build and equip railways, but it has also the right to buy, develop, and speculate in real estate and things of that sort. Now, the laws of the District of Columbia do not permit its own corporations to do that which the very corporate rights of this corporation, given to it by the State of Maryland, authorized it to do.

Now, it will not do to say that it can not exercise those rights in the District of Columbia because, as I understand, the Supreme Court of the United States in a case recently decided, in the case of Allison *v.* The Southern Railway Company, holds that where a State permits a railroad corporation to come within its State and operate under a foreign charter, as you propose to permit this railroad to do under its Maryland charter, then that railroad chartered by another State, operating in a State in which it was not incorporated, as this one will be operating in the District of Columbia under its Maryland charter, has the right to exercise the powers granted by its charter, unless the State where it is permitted to operate restricts and limits its powers, so that when we give this company the power to operate its railway that company comes to the District of Columbia with the power and the right to exercise all its charter powers and rights granted it by the Maryland act. Therefore we not only permit this company to do that which we do not permit any other company to do in the District of Columbia, but we permit it to buy and sell real estate and to run freight cars along and over the line of the street railways of the District of Columbia. We permit it also to do this—and doubtless that is the purpose of this charter: We permit it to connect its line of railway with the Anacostia and Potomac Railway Company, which will enable it to run freight cars through the city, and in the eighteenth section we prescribe that it shall be completed in two years; but if not completed within that time it simply forfeits the right to finish the part which is uncompleted at that date.

This bill does not provide that the railroad shall forfeit their right to construct a railroad in the District of Columbia entirely if it does not construct it within two years, but simply forfeits the uncompleted portion.

Mr. BABCOCK. If the gentleman from Georgia [Mr. BARTLETT] will only just wait for a moment, when we get to that section it will be amended in accordance with his views.

Mr. BARTLETT. I am glad to hear it. I wanted to show the House and my friend from Wisconsin [Mr. BABCOCK] what sort of a bill we have here, and which is an unusual bill for the gentleman to report from his committee. You permit this railroad company to engage in land speculation, to deal in real estate, and you permit it to do so without restricting it to the privileges which you grant to street-car companies chartered by the District of Columbia.

Now, for my part, I did not move to amend this part of the bill which permits the carrying of freight through the streets of the city of Washington or the District of Columbia, because I do not think it is a good bill. For my part, I am not in favor of the rights and privileges granted by the bill at all, Mr. Chairman; therefore, I say, I am in favor of this amendment, because it puts in the law a provision which, if complied with, requires them to build a railroad in good faith and not for speculative purposes.

Mr. MUDD. Will the gentleman from Georgia [Mr. BARTLETT] support the bill with that amendment put in?

Mr. BARTLETT. With some other changes I might.

Mr. MUDD. The gentleman from Georgia [Mr. BARTLETT] is against the bill anyhow?

Mr. BARTLETT. I do not know whether I am or not. I am opposed to the proposition of turning over to any street-car company the right to haul freight cars through the streets of the city of Washington.

Mr. COWHERD. Will the gentleman from Georgia [Mr. BARTLETT] point out where that right is given?

Mr. BARTLETT. In the first section of the bill.

Mr. COWHERD. That is limited to the right of way of this road, and this road does not run over the streets of the city of Washington.

Mr. McCLEARY of Minnesota. It has transfer rights with the other roads.

Mr. BARTLETT. They name certain streets—Harrison street, for instance.

Mr. COWHERD. As the gentleman from Maryland [Mr. MUDD] is more familiar with the subject, I will ask him if all of these streets do not lie across the bridge?

Mr. MUDD. All the streets mentioned as of the route of this railroad lie across the bridge, over in and beyond Anacostia.

Mr. BARTLETT. It is an inhabited and a growing part of the city.

Mr. MUDD. It is not a part of this city at all.

Mr. BARTLETT. It will in the near future be a part of the great capital city of ours. I do not know whether it crosses the bridge at all or not, but it is a bad precedent, it is a wrong principle of legislation to authorize street railway companies to haul freight cars through the city of Washington or the residence portion of the District of Columbia. The gentleman from Missouri [Mr. COWHERD] can not deny that they are residents of that part of the District of Columbia.

Mr. COWHERD. I will say to the gentleman from Georgia [Mr. BARTLETT] that I will not vote and I do not intend to vote, knowingly, to let them haul freight or express over the streets of the city of Washington. But all suburban roads are allowed to haul small freight and express outside of the city limits. These branches cover what is known as the Anacostia district, and unless under this provision that speaks of a change in cars with the Anacostia and Potomac River Railroad, which is also a surburban road, outside of the District of Columbia—unless you can find some provision——

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. BARTLETT. Mr. Chairman, I ask to have my time extended five minutes longer.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to have his time extended for five minutes longer. Is there objection?

There was no objection.

Mr. BARTLETT. Does the gentleman from Missouri [Mr. COWHERD] say that the Anacostia and Potomac River Railroad does not run through the residence portion of the city?

Mr. COWHERD. I understand these two roads lie beyond the east river; they do not lie on this side of what is known as the east river—the flat down there. As to what the gentleman from Georgia [Mr. BARTLETT] says in regard to residences, there are residences all the way on the Baltimore and Ohio from here to the city of St. Louis.

Mr. BARTLETT. Is Harrison street a city street?

Mr. COWHERD. There are streets over there, but they are not streets of the city of Washington.

Mr. BARTLETT. We are not asked here to incorporate a road; we are not asked to extend the power of this great Government and grant the franchise to the railroad in the first instance, as we ought to do, before we permit the use of the streets. We are asked to take this road and permit it to come in the District of Columbia with all the rights and privileges and with all the authority which is in this charter, and traverse the streets and avenues, or whatever name may suit the gentleman from Missouri as to that, without putting upon them the same limitations that the roads that are chartered by the Government and the District of Columbia have put upon them by Congress.

Section 2 of this bill says that the Anacostia, Surrattsville and Brandywine Electric Railroad Company and the Anacostia and Potomac River Railroad Company shall have the power to make any contracts that they deem necessary—now, I do not know where the Anacostia and Potomac Railroad line is. It is an existing railroad, is it?

Mr. COWHERD. I do not know anything about it.

Mr. BARTLETT. Somebody can give information. I do not know anything about where it runs.

Mr. McDERMOTT. The Anacostia Railroad, I will state for the benefit of the gentleman, starts at Anacostia, crosses the river, and winds around and comes up by the Pennsylvania Depot; then crosses Washington to the north line, and has just been extended 1 mile; so that its terminus is about equal to that of what is known as "the Capital Traction Railroad." In other words, the Anacostia road runs all through Washington.

Mr. BARTLETT. All right. That, Mr. Chairman, is what I understood. I am not as familiar, perhaps, as I ought to be with it. I do not know where many of the street railroads of this city run. I know the one that runs from here to my hotel. Then, under the first section of this bill, they are permitted to carry milk, garden truck, and other small freight over their lines, and we also permit the Anacostia, Surrattsville and Brandywine Electric Railway Company and the Anacostia and Potomac Railway Company to have power to make contracts that may be necessary to enable the same companies to run their cars over the tracks of each other. So that, with the privilege granted in this first section of the bill to run freight cars and vegetable cars and milk cars as well as passenger cars over this line, then the line from Anacostia can bring it and run through the city of Washington. The gentleman can not dispute that proposition. Now, when that is done they will be able to make contracts with the roads now in operation. This will authorize them; and they will make that contract, and then the city will be regaled with the delightful spectacle, such as no other city of its size should permit, of carrying freight cars through the streets.

Now, the other provisions of the bill which I desire to call attention to is in another section, and I will call attention to it here. It is in section 18, which provides that this road "shall be completed in two years," and then it says, "in default of which this act shall be void and of no effect in so far as the line shall not be so completed."

Mr. MUDD. The objection to that language is to be covered by an amendment, as I am informed.

Mr. DAVIS of Minnesota. I will inform the gentleman from Georgia that as soon as section 18 is read, I propose to offer an amendment striking out the following words: "In so far as the said line shall not be so completed."

Mr. BARTLETT. Then that is designed to correct this provision which I was going to attack. I intended to offer that amendment. I shall vote for it when offered by the gentleman.

Mr. LITTLEFIELD. I desire to ask the chairman of the District Committee a question about this bill. This bill, as I understand, is a Senate bill?

Mr. DAVIS of Minnesota. Yes.

Mr. LITTLEFIELD. Then it should have been before the Committee on the District of Columbia.

Mr. DAVIS of Minnesota. This bill was not.

Mr. LITTLEFIELD. Is any similar bill before the committee?

Mr. BABCOCK. The House bill on the Calendar is an exact duplicate.

Mr. LITTLEFIELD. When was it reported from the committee?

Mr. DAVIS of Minnesota. At the last session of Congress.

Mr. LITTLEFIELD. Was there a full hearing upon that? I can not find anybody on the committee outside of the chairman who seems to know anything about the bill.

Mr. DAVIS of Minnesota. Let me explain about it. The bill was considered somewhat last session of Congress, and, as I understand, placed upon the Calendar with the understanding that it was not to be brought up unless the committee so authorized.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. BARTLETT. I ask for five minutes more.

Mr. MUDD. I move to strike out the last word in order to make a suggestion.

The CHAIRMAN. The gentleman from Georgia asks that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. Now, with the permission of the gentleman from Georgia, will the gentleman make an explanation?

Mr. BARTLETT. Go ahead.

Mr. DAVIS of Minnesota. The matter was considered—very slightly considered—a few days ago, and then I do not know whether a positive vote was taken on the proposition or not. The chairman said, I understand, he was going to bring up the Senate bill, which would obviate the necessity of any further action in this matter. I have no distinct recollection of that, but I do not doubt the proposition.

Mr. LITTLEFIELD. I am not criticising the propriety of the action of the committee, but what I want to know is whether either at this session or at the former session the parties interested in this legislation were heard before your committee and the matter discussed, so that the committee were intelligently advised about the merits of the proposition. Of course, I do not know what the fact may be.

Mr. DAVIS of Minnesota. I have no recollection of any hearing before the committee, but I think the committee were pretty generally advised as to what was intended.

Mr. MUDD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. BARTLETT. Yes.

Mr. MUDD. I want to ask this question: Is not the gentleman willing that we act upon the amendment now pending, and

perfect that, if it needs perfecting, and then if he has an amendment to suggest to cover the other matters as to freight cars let him propose it? I shall have no objection to the gentleman returning to that part of the bill to offer any amendment that he may think proper for the consideration of the committee.

Mr. BARTLETT. This Anacostia Railroad, which is now in operation, to which I have called attention, does cross the Anacostia Bridge. I understand it to be a fact that in the present House an attempt was made to bring in an appropriation for the purpose of rebuilding or repairing this bridge, and that it was ruled out in the House on a point of order made by the gentleman from Minnesota [Mr. DAVIS], but that the appropriation has been put back into the bill in the Senate.

So we not only are to grant these great privileges to this corporation without any restriction whatever upon them, but inasmuch as the road is to be allowed to run both freight and passenger cars over this bridge, by agreement with the Anacostia Railroad, we shall be under the necessity of burdening the District government and the United States Treasury with the repairing of this bridge. We know that this amendment which was offered in the House and ruled out has been put back into the bill in the Senate and that it will come back here in the usual way, in such form that we can not vote on the separate propositions, but must take it as a whole. So this bill, Mr. Chairman, will not only entail upon the District of Columbia the granting of these privileges and rights to this foreign corporation, so to speak, that is, foreign to the District of Columbia—privileges which are not granted to any home corporation in the District—but will also entail upon the District government and the Government of the United States the duty of building an expensive bridge in order to accommodate the traffic. I do not think these unusual privileges should be granted.

Mr. SIMS. The appropriation for the rebuilding of that bridge is an appropriation for the benefit of the road already in existence.

Mr. BARTLETT. I do not know whether it is or not, but the District Commissioners, in a report upon this bill, say that if this charter is granted it will necessitate the building of the bridge; and this bill permits the railroad to run its cars over the line of the road already in existence.

Mr. BABCOCK. That report was written a year ago, before the appropriation was made for the bridge. That is an old report that the gentleman has.

Mr. BARTLETT. It is a report dated February 15, 1904, and one your clerk furnished me as the report on this bill.

Mr. BABCOCK. Yes, a year ago; and since that time the bridge has been authorized and an appropriation made for it.

Mr. BARTLETT. It has not been made in the appropriation bill for the District of Columbia recently passed by the House.

Mr. BABCOCK. It was made last year. They only sought to increase it this year. The chairman of the Committee on Appropriations has made the statement here to the House or explained it fully.

Mr. BARTLETT. But this House ruled out the appropriation on a point of order made by the gentleman from Minnesota [Mr. DAVIS] when the bill was being considered by the House.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. MUDD. Mr. Chairman, I want to ask the gentleman from Pennsylvania [Mr. MORRELL] if he will not so reframe his amendment as to strike out the words "and equip," so that it will require no more than that the company shall build their road outside of the District of Columbia before this act shall go into effect. Even then it will be an unusually and, in my judgment, an unnecessarily rigorous requirement.

Mr. MORRELL. I am content, Mr. Chairman, with the provision that they shall build the road.

Mr. MUDD. Striking out the words "and equip."

Mr. LITTLEFIELD. What does the gentleman understand that to mean, simply the roadbed or the trolley line?

Mr. MUDD. They would not have to put the cars on.

Mr. BABCOCK. The equipment means the rolling stock, as I understand.

Mr. MORRELL. As I understand it, that means they shall complete everything except the rolling stock.

Mr. LITTLEFIELD. Then I would say "except the rolling stock."

Mr. MUDD. I move to strike out the words "and equip," in the first line.

The CHAIRMAN. The gentleman from Maryland offers the following amendment to the amendment offered by the gentleman from Pennsylvania [Mr. MORRELL], which the Clerk will report

The Clerk read as follows:

Strike out of the amendment the words "and equip;" so that it will read:

"*And provided*, That the said company shall complete its road in the State of Maryland," etc.

Mr. MUDD. That is to relieve them from furnishing the rolling stock.

Mr. BABCOCK. I ask for a vote, Mr. Chairman.

Mr. MUDD. I understand the gentleman from Pennsylvania accepts that amendment.

Mr. MORRELL. I will accept it.

Mr. PORTER. Mr. Chairman, I would like to ask the gentleman if this will include providing the road with electric power?

Mr. MUDD. Yes; I regard that as a part of the building of the road.

Mr. PORTER. The gentleman said it would only leave out the rolling stock.

Mr. BAKER. Mr. Chairman, I would like to hear the amendments read again.

The CHAIRMAN. Without objection, the Clerk will again report the amendments.

The Clerk read the amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. MORRELL].

The question was considered; and the amendment was agreed to.

Mr. BABCOCK. Mr. Chairman, I ask unanimous consent to return to page 3, and to satisfy the gentleman from Georgia, who is having so much trouble with the provisions in this bad bill, I ask, in line 8, after the word "running," to insert "passenger cars," so that no freight cars can be run into the city.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 3 and insert the following amendment, which the Clerk will report.

Mr. BARTLETT. And I want to couple with that, Mr. Chairman, a request to return to section 1, on page 1, for the purpose of striking out, after the word "passengers," in line 8, the words "parcels, milk, garden truck, and other small freight."

Mr. BABCOCK. I have no objection to that, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin modified his request, and asks unanimous consent to return to page 3, and also to page 1, and offer the amendments which the Clerk will report.

The Clerk read as follows:

On page 1, line 8, strike out the words "parcels, milk, garden truck, and other small freight."

On page 3, line 8, insert, after the word "running," the word "passenger."

The CHAIRMAN. Is there objection to returning to pages 1 and 8?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Wisconsin and the gentleman from Georgia.

The question was taken, and the amendments were agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 18. That the construction of said extension on the lines of said railway company within the District of Columbia shall be commenced within one year of the passage of this act, and be completed and cars running thereupon for passenger traffic within two years from the passage of this act, in default of which this act shall be void and of no effect in so far as the said line shall not be so completed.

Mr. DAVIS of Minnesota. Mr. Chairman, I offer the following amendment to section 18.

The Clerk read as follows:

In lines 21 and 22, section 18, strike out the words "in so far as the said line shall not be so completed."

Mr. DAVIS of Minnesota. Mr. Chairman, my object in doing this is that it seems that at the present time we have a railroad that is chartered in Maryland, and we are seeking to give them a charter in the District of Columbia. There has been considerable said in the past that this road might never be built, and that it was simply gotten up for a trading scheme. I do not know whether that is the case or not. However, it is apparent to me that it would be unwise to allow that road to come in here and build, say, a block of road, or a third of the portion of this road, and let them save the charter in so far as they had built. It looks to me as if it would be wise to compel them to build that portion in the District of Columbia, or in fact the

whole road, in the time limited in the bill, or else lose the whole of it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. DAVIS of Minnesota. Mr. Chairman, I now offer the amendment to the section just read as amended.

The Clerk read as follows:

Add two new sections to come in after section 18, to be numbered sections 19 and 20, respectively, to read as follows:

"SEC. 19. That all the conditions, requirements, and obligations imposed by this act shall be complied with by any of the successors to and assigns of said company within said District.

"SEC. 20. That within sixty days from the approval of this act the company shall deposit $1,000 with the collector of taxes of the District of Columbia to guarantee the construction of this railroad within the prescribed time, and if this sum is not so deposited this act shall be null and void. If the sum is so deposited and the road is not in operation as herein prescribed said $1,000 shall be forfeited to the District of Columbia and this act shall be void."

Mr. DAVIS of Minnesota. Mr. Chairman, if there is no objection, I would like to consider both amendments as one.

Mr. BABCOCK. Mr. Chairman, I accept the amendments.

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Minnesota.

Mr. McDERMOTT. Mr. Chairman, before the amendments are adopted, I would like the author of them to furnish some statement of what he understands to be the scheme here. Originally it was to build a road in from Maryland. That road was to have an entrance into the District of Columbia extending a mile or a mile and a half or two miles. The provision then was that there should be interchangeable transfers with the Anacostia and Potomac Railroad, a railroad organized originally as a horse railroad, changed to the electric system, reorganized after receiverships, and representing to-day an investment of something like $4,000,000. That road goes across the Anacostia River. Then you have just imposed a duty of expending $75,000, for the improvement of the bridge there, upon that road. It goes across the river, proceeds west, goes up by what we ordinarily call the Pennsylvania depot, goes through Eleventh street, and has been within a year extended, at a cost of $150,000, something over a mile and a quarter. Altogether, the proposition was that this short mile and a half road should have the same privileges of transfer over these 11 or 12 miles of road as the 12 miles of road would have over the mile and a half.

Now, to have any earthly value, that mile and a half road must be what is known as the "truck-garden carrying proposition." If it can not carry freight there is not much else for it to carry. It runs through a country where, in order to earn the axle grease on its wheels, it must carry not only passengers but freight. It comes to the Anacostia and Potomac road, and there is a provision in this bill that would allow the carrying of that freight through the city of Washington. Anything carried over the road entering the District of Columbia, entering Anacostia, could, under a decision of the Supreme Court, be carried over the Anacostia and Potomac Railroad. I am interested in the Anacostia and Potomac Railroad, of which I was appointed receiver. I do not know that I would object to its carrying freight. I certainly would object to its marring the streets and I would object to its carrying freight if I were a citizen of Washington and not interested in the company.

Mr. COWHERD. Did the gentleman understand the nature of the amendments that were offered striking out these provisions for carrying freights?

Mr. DAVIS of Minnesota. I was going to explain those amendments.

Mr. COWHERD. They have all been adopted.

Mr. McDERMOTT. I understand that they can not now carry freight.

Mr. DAVIS of Minnesota. And, furthermore, the question of free transfer is stricken out.

Mr. McDERMOTT. I understand, and I am very glad of that; but this bill is so crudely drawn—I do not say with any covert purpose. It is questionable whether you can not use any conceivable kind of electric method of propulsion, not underground or overhead, but any other over the Anacostia road. It is crudely drawn. It does not safeguard the property over which it is proposed to run these cars.

There is no regulation of the cars; there is no power to regulate, and while I suppose that if this road is built the result will be that passengers will change at the termini—I don't think there is any question about that—I think myself that in railroad building it would be a great deal better if you had provisions so that one operating the railroad could tell what the bill means. You have stricken out freight, the only object of the bill. You could not make this road pay, you could not run it, unless it was a truck-freight road. Now, is there not some other object in the bill? The readiness with which all amendments to strike out everything is accepted seems to me to indicate that the skeleton is to be reclothed in a committee on conference at the suggestion of the Senate, and some other railroad proposition put in force in the District of Columbia. This bill means nothing as it stands.

Mr. DAVIS of Minnesota. Mr. Chairman, I am very highly gratified at the exposition of railroad laws and the workings thereof as given by the gentleman from New Jersey [Mr. McDERMOTT]. His knowledge on this subject is quite extensive. and I am very glad he has pointed out the defects in this bill. I am not the author of it, but am seeking to amend so as to make it good, as I have been assured by the gentleman from Maryland [Mr. MUDD] that this road will be very beneficial to his constituents when built. Now, upon that theory I wish this bill to be sent to the Senate in proper form, not for the purpose of trade or dicker. I certainly do not desire anything of the kind. My preference in this matter would be that this bill had never appeared upon this floor, but the gentleman from Maryland has assured me that his constituents are very anxious to have this legislation, therefore I have not sought to kill the bill but to avoid sending it or any other bill to the Senate of the United States for the purpose of trade or barter or for the purpose of having it used as a pretext for adding other legislation to it.

In order to make this bill a little more perfect I have suggested that the same requirements be added, as to assigns, that are usual in legislation of this nature, and to show good faith I have also added an amendment to compel them to deposit with the city government $1,000, thus showing their good faith. There is also another amendment, just adopted, as offered by the gentleman from Pennsylvania [Mr. MORRELL], to the effect that before they enter the city of Washington they must show their good faith by building all that portion lying outside. I am very much obliged to the gentleman from New Jersey for the information he has given me concerning other railroads in this vicinity. My desire is to protect the District of Columbia and to see that no wild-cat schemes are attempted to be imposed upon it. This is my only object in offering the amendments.

Mr. McDERMOTT. I will say, Mr. Chairman, that I cordially indorse the amendments of the gentleman which go toward effecting the object which the gentleman seeks, and I replied with some hesitancy on account of my interest in these railroad properties to indicate that this bill has had section after section eliminated so that it does not mean a railroad proposition as it now reads, but something else; what, I do not know. The gentleman's amendments are not only in good form, but go far toward accomplishing his object.

Mr. DAVIS of Minnesota. I informed the gentleman I have learned more about the bill in the last five minutes than I have before.

Mr. SIMS. I would like to know if the gentleman has any information as to what would happen to the bill when it reaches the other body?

Mr. McDERMOTT. I do not know what would happen to this, or what is ordinarily known as the rate bill; no one can tell what the result will be.

Mr. SIMS. You have fears, perhaps?

Mr. McDERMOTT. No; I have hopes of the rate-bill proposition.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I hope the gentleman from Wisconsin will now make the motion that the committee rise.

Mr. BABCOCK. Will the gentleman consent to sitting for ten minutes more?

Mr. WILLIAMS of Mississippi. No; it is now after time, and I think it would be well for the committee to rise. It will be a great deal better.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. WILLIAMS of Mississippi. I did not intend to oppose the passage of the amendment, Mr. Chairman; I thought it had already been considered. I now renew my suggestion.

Mr. BABCOCK. Mr. Chairman, if there is no further amendment to be offered, I would move that the committee rise and report the bill to the House with a favorable recommendation.

Mr. BARTLETT. Oh, no.

Mr. JAMES. We are not through with the reading of the bill yet.

Mr. BABCOCK. Was not that the suggestion of the gentleman?

Mr. WILLIAMS of Mississippi. No; the suggestion was that the committee now rise and report progress, whatever it is.

Mr. WILEY of New Jersey. Mr. Chairman, I would like to

move that when the committee rise that they bring in a motion that the bill be recommitted to the District of Columbia Committee. I for one do not know anything at all about the bill, and I find others among the District of Columbia Committee also greatly ignorant on this subject.

Mr. BABCOCK. I am very sorry, Mr. Chairman, to hear a member of the committee make that statement on the floor. This is not any new measure; it has been on the Calendar for a year and has been considered by the committee time and again.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not think that the committee ought to rise and report the bill with a favorable recommendation. The other motions on the bill can be made at some other time. I suggest simply that the committee do now rise.

Mr. BABCOCK. If the gentleman on the other side [Mr. WILLIAMS of Mississippi] feels it to be absolutely necessary, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railroad to extend its street railway in the District of Columbia, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5972) permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15578) to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEAN, Mr. FORAKER, and Mr. CARMACK as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17481. An act authorizing the Alexander, Bayou Macon and Greenville Railway Company to construct bridges over Red River, Little River, Ouachita River, and Bayou Louis, in Louisiana.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4156) for the establishment of public-convenience stations in the District of Columbia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN as the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 7, 1905:

H. R. 16567. An act to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.;

H. R. 17345. An act to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve; and

H. R. 17749. An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River.

On February 8, 1905:

H. R. 7869. An act in relation to bonds on contracts with the District of Columbia;

H. R. 9493. An act to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same;

H. R. 9758. An act for the relief of the heirs of George McGhehey for services rendered as mail contractor;

H. R. 14626. An act to quiet titles to land in the city of Mobile, State of Alabama;

H. R. 14710. An act authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law;

H. R. 15011. An act to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes;

H. R. 17769. An act to grant certain lands to the Agricultural and Mechanical College of Oklahoma for college farm and experiment station purposes;

H. R. 17789. An act to amend an act entitled "An act to authorize W. Denny & Co. to bridge Dog River in the State of Mississippi;"

H. R. 3109. An act for the relief of Noah Dillard;

H. R. 3947. An act for the relief of holders and owners of certain District of Columbia special-tax scrip; and

H. R. 18523. An act making an appropriation for fuel for the public schools of the District of Columbia.

On February 9, 1905:

H. R. 14351. An act for the relief of the Gull River Lumber Company, its assigns or successors in interest;

H. R. 14906. An act for the relief of H. B. Wise;

H. R. 15284. An act granting to the Keokuk and Hamilton Water Power Company rights to construct and maintain for the improvement of navigation and development of water power a dam across the Mississippi River;

H. J. Res. 185. Joint resolution authorizing and directing the Director of the Census to collect and publish additional statistics; and

H. R. 3619. An act for the relief of David V. Howell.

On February 10, 1905:

H. R. 18280. An act to extend the western boundary line of the State of Arkansas.

On February 11, 1905:

H. R. 12346. An act to correct the military record of William J. Barcroft.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 16799. An act making Texas City, Tex., a subport of entry in the customs collection district of Galveston.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 17992. An act to permit the legislative assembly of the Territory of Oklahoma to make appropriations for the erection of buildings for the Agricultural and Mechanical College of said Territory; and

H. R. 18757. An act making an appropriation for clearing the Potomac River of ice.

PHILIPPINE TARIFF.

Mr. PAYNE, from the Committee on Ways and Means, reported as a substitute for House bill 18195 the bill (H. R. 18965) to amend and revise the tariff laws of the Philippine Islands, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I ask unanimous consent for a reprint the bill H. R. 18467, the naval appropriation bill.

The SPEAKER. The gentleman from Illinois [Mr. Foss] asks unanimous consent for a reprint of the naval appropriation bill. Is there objection?

There was no objection.

REMAINS OF ADMIRAL JOHN PAUL JONES.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on the Library, and without objection was ordered to be printed, with certain cuts and illustrations:

To the Senate and House of Representatives:

For a number of years efforts have been made to confirm the historical statement that the remains of Admiral John Paul Jones were interred in a certain piece of ground in the city of Paris then owned by the Government and used at the time as a burial place for foreign Protestants. These efforts have at last resulted in documentary proof that John Paul Jones was buried on July 20, 1792, between 8 and 9 o'clock p. m., in the now abandoned cemetery of St. Louis, in the northeastern section of Paris. About 500 bodies were interred there, and the body of the admiral was probably among the last hundred buried. It was incased in a leaden coffin, calculated to withstand the ravages of time.

The cemetery was about 200 feet long by 120 feet wide. Since its disuse as a burial place the soil has been filled to a level, and covered almost completely by buildings, most of them by an inferior class.

The American ambassador in Paris, being satisfied that it is practical to discover and identify the remains of John Paul Jones, has, after prolonged negotiations with the present holders of the property and the tenantes thereof, secured from them options, in writing, which give him the right to dig in all parts of the property during a period of three months for the purpose of making the necessary excavations and searches, upon condition of a stated compensation for the damage and annoyance caused by the work. The actual search is to be conducted by the chief engineer of the municipal department of Paris having charge of subterranean works, at a cost which has been carefully estimated. The ambassador gives the entire cost of the work, including the options, compensation, cost of excavating, and caring for the remains, as not exceeding 180,000 francs, or $35,000, on the supposition that the body may not be found until the whole area has been searched. If earlier discovered the expense would be proportionately less.

The great interest which our people feel in the story of Paul Jones's life, the national sense of gratitude for the great service done by him toward the achievement of independence, and the sentiment of mingled distress and regret felt because the body of one of our greatest heroes lies forgotten and unmarked in foreign soil, lead me to approve the ambassador's suggestion that Congress should take advantage of this unexpected opportunity to do proper honor to the memory of Paul Jones, and appropriate the sum of $35,000, or so much thereof as may be necessary, for the purposes above described, to be expended under the direction of the Secretary of State.

The report of Ambassador Porter, with the plans and photograph of the property, is annexed hereto.

In addition to the foregoing recommendation I urge that Congress emphasize the value set by our people upon the achievements of the naval commanders in our war for independence by providing for the erection of appropriate monuments to the memory of two, at least, of those who now lie in undistinguished graves—John Paul Jones and John Barry. These two men hold unique positions in the history of the birth of our Navy. Their services were of the highest moment to the young Republic in the days when it remained to be determined whether or not she should win out in her struggle for independence. It is eminently fitting that these services should now be commemorated in suitable manner.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 13, 1905.*

CHANGES IN LAND LAWS.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Public Lands, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith the second partial report of the Public Lands Commission, appointed by me October 22, 1903, to report upon the condition, operation, and effect of the present land laws and to recommend such changes as are needed to effect the largest practical disposition of the public lands to actual settlers who will build homes upon them and to secure in permanence the fullest and most effective use of the resources of the public lands. The subject is one of such magnitude and importance that I have concluded to submit this second partial report bearing upon some of the larger features which require immediate attention without waiting for the final statement of the Commission, which, from the very nature of the case, it has not been possible to complete at this time. I am in full sympathy with the general conclusions of the Commission in substance and in essence, and I commend its recommendations to your earnest and favorable consideration. The existing conditions, as set forth in this report, seem to require a radical revision of most of the laws affecting the public domain, if we are to secure the best possible use of the remaining public lands by actual home makers.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 13, 1905.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON, indefinitely, on account of sickness in family.

To Mr. DINSMORE, indefinitely, on account of illness.

Then, on motion of Mr. PAYNE (at 5 o'clock and 28 minutes p. m.), the House adjourned until 12 o'clock m. to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a copy of a communication from the Chief of Staff in relation to compensations to certain officers and enlisted men for losses in Galveston flood—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting a recommendation in regard to the account of George W. Evans—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a statement of the expenditures of the Coast and Geodetic Survey for the fiscal year ended June 30, 1904—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORRELL, from the Committee on Militia, to which was referred the bill of the House (H. R. 18863) to amend an act entitled "An act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March 1, 1889, reported the same without amendment, accompanied by a report (No. 4596); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11218) setting aside a certain island in Bartlett Lake, Minnesota, as a park and forest reserve, reported the same with amendment, accompanied by a report (No. 4598); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16913) to provide a leprosarium for the segregation of lepers and to prevent the spread of leprosy in the United States, reported the same with amendment, accompanied by a report (No. 4599); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 18863) to amend an act entitled "An act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March 1, 1889—Committee on the District of Columbia discharged, and referred to the Committee on the Militia.

A bill (H. R. 18941) granting an increase of pension to Ebenezer Gill—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALLACE: A bill (H. R. 18942) to annex the Choctaw and Cherokee nations of the Indian Territory to the State of Arkansas—to the Committee on the Territories.

By Mr. JENKINS: A bill (H. R. 18943) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898"—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 18944) permitting the building of a railway bridge across White River, joining the township of Harrison, in Knox County, State of Indiana, and township of Washington, in Pike County, State of Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: A bill (H. R. 18945) to codify the laws relating to pensions—to the Committee on the Revision of the Laws.

By Mr. PAYNE, from the Committee on Ways and Means: A bill (H. R. 18965) to revise and amend the tariff laws of the Philippine Islands, and for other purposes—to the Union Calendar.

By Mr. GREENE: A bill (H. R. 18966) to construct and place a new light-ship at the entrance to Buzzards Bay, Massachusetts, to replace the one now known as Hen and Chickens light-ship—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: A resolution (H. Res. 493) directing the Clerk of the House to pay Robert Burns the sum of $64—to the Committee on Accounts.

By the SPEAKER: Memorial from the legislature of Oklahoma, urging Congress to increase the pension of J. S. Harding to the maximum amount for total blindness—to the Committee on Invalid Pensions.

Also, a memorial from the legislature of Montana, asking that the members of the United States Senate be elected by popular vote—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, a memorial from the State of Minnesota to Congress, asking that the Interstate Commerce Commission be given en-

larged and adequate powers to regulate railroad rates—to the Committee on Interstate and Foreign Commerce.

By Mr. GRANGER: Memorial of the general assembly of the State of Rhode Island, favoring the passage of bill H. R. 15983—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Memorial of the general assembly of the State of North Carolina, indorsing the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 18946) for the relief of Roy Hillman—to the Committee on War Claims.

By Mr. CROMER: A bill (H. R. 18947) to amend the military record of Charles Cannon—to the Committee on Military Affairs.

By Mr. FLOOD: A bill (H. R. 18948) granting an increase of pension to Samuel C. White—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 18949) granting a pension to Martha J. Snider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18950) granting an increase of pension to Oscar Williamson—to the Committee on Invalid Pensions.

By Mr. HITCHCOCK: A bill (H. R. 18951) granting an increase of pension to W. P. Snowden—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 18952) to amend the military record of Joseph H. Gibler—to the Committee on Military Affairs.

By Mr. LAMAR of Missouri: A bill (H. R. 18953) granting an increase of pension to Thomas Hill—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 18954) for the relief of Ruth Holder—to the Committee on War Claims.

Also, a bill (H. R. 18955) granting a pension to Harriet E. Aiken—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 18956) granting an increase of pension to Eliza J. Roland—to the Committee on Pensions.

Also, a bill (H. R. 18957) granting an increase of pension to James T. Hare—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 18958) to remove the charge of desertion now standing against Cornelius O'Callaghan, alias William Blake—to the Committee on Naval Affairs.

By Mr. WACHTER: A bill (H. R. 18959) granting an increase of pension to William Keister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18960) to correct the naval record of Henry Kiehne—to the Committee on Naval Affairs.

By Mr. ROBINSON of Arkansas: A bill (H. R. 18961) for the relief of the trustees of the Methodist Episcopal Church South, of Pine Bluff, Ark.—to the Committee on War Claims.

By Mr. AMES: A bill (H. R. 18962) granting a pension to Eleanor Chase—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 18963) granting an increase of pension to John Spaulding—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 18964) for the relief of William Radcliffe—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 18967) granting an increase of pension to Riley M. Smiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18968) granting an increase of pension to Marcus D. Tenney—to the Committee on Invalid Pensios.

PETITIONS, ETC.

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

By the SPEAKER: Joint memorial of the marine, commercial, and trade organizations of Philadelphia, favoring an appropriation for construction of a vessel to destroy derelicts—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the twenty-third legislative assembly of Arizona, against the segregation of that part of Arizona lying to the north of the Colorado River—to the Committee on the Territories.

Also, resolution of the general conference on the improvement of the channel at the mouth of the Mississippi River, for a law preventing any but skilled pilots at the mouth of the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT: Resolution of Athens (Ga.) Credit Men's Association, favoring repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of citizens of Maine, against repeal of Grout bill—to the Committee on Agriculture.

By Mr. CAMPBELL: Petition of citizens of Kansas, favoring speedy ratification of arbitration treaties—to the Committee on Foreign Affairs.

Also, resolution of the Atlantic Carriers' Association, of New York, relative to pilotage on sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

By Mr. CROMER: Resolution of the Indiana Grain Dealers' Association, favoring enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of the Reformed Presbyterian Church of Wilkinsburg, Pa., against sale of liquor on Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Plum Creek Presbyterian Church congregation, of New Texas, Pa., against sale of intoxicating liquor in Indian Territory—to the Committee on the Territories.

By Mr. DANIELS: Petition of religious organizations of San Diego, Cal., against restoration of canteen in the Army, etc.—to the Committee on Military Affairs.

Also, joint resolution of the legislature of California, for relief of Frank A. Leach, of the United States mint at San Francisco—to the Committee on Claims.

By Mr. DRISCOLL: Petition of Elbridge Chair Company et al., against taxing alcohol used in the arts—to the Committee on Ways and Means.

By Mr. FULLER: Petition of citizens of Caledonia, Ill., concerning legislation as to freight rates—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Public Educational Association, favoring strict labor laws relative to employment of children in the District of Columbia—to the Committee on Education.

Also, petition of the Rockford Palace Furniture Company, favoring bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of Just in Time Lodge, No. 149, Brotherhood of Locomotive Firemen, favorng bill H. R. 7041—to the Committee on the Judiciary.

By Mr. GRIFFITH: Paper to accompany bill for relief of Martha J. Snider—to the Committee on Invalid Pensions.

Also, petition of the Ohio Valley Buggy Company, of Aurora, Ind., for repeal of duty on raw and green hides—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of citizens of the Territory of Oklahoma, favoring the Senate amendment to the statehood bill—to the Committee on the Territories.

By Mr. HARRISON: Resolution of the American Hardware Manufacturers' Association, relative to public lands and forestry—to the Committee on Agriculture.

Also, resolution of the Clothiers' Association of New York City, against repeal of bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the Congress of Knights of Labor of New York State, against adulteration of foods and drugs—to the Committee on Agriculture.

By Mr. HULL: Petition of citizens of Des Moines, Iowa, favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Roland, Iowa, favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Resolution of St. Louis Chapter American Institute of Bank Clerks, favoring the Gaines bill relative to mutilated currency—to the Committee on Coinage Weights and Measures.

Also, resolution of the American Hardware Association, held at Atlantic City, relative to public lands and forestry—to the Committee on the Public Lands.

Also, resolution of the St. Louis Manufacturers' Association, favoring enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. KELIHER: Resolution of the Lumber Interests of New England, in convention in Boston, January 25, 1905, favoring enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Worcester Board of Trade, favoring the President's recommendation relative to regulation of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of citizens of Fairfield, Iowa, against reduction of the tariff on cigars and tobacco from the Philippines—to the Committee on Ways and Means.

By Mr. LINDSAY: Resolution of the Congress of Knights of Labor of New York State, favoring bill against food adulteration—to the Committee on Agriculture.

By Mr. LITTLEFIELD: Petition of citizens of Richmond, Me., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Harriet E. Aiken, widow of Jesse Witt—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ruth Holden, of Chattanooga, Tenn.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Abraham Slaver—to the Committee on War Claims.

By Mr. MORRELL: Petition of Washington Camp, No. 93, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Conneautville and Titusville, Pa., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. NORRIS: Petition of the Woman's Christian Temperance Union of Benkelman, Nebr., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. B. Harlan, of Loomis, Nebr., against sale of liquor on Government premises—to the Committee on Alcoholic Liquor Traffic.

By Mr. PORTER: Resolution of the American Hardware Manufacturers' Association, relative to public lands and forestry—to the Committee on the Public Lands.

Also, petition of the Society of Friends of Allegheny County, to forbid sale of intoxicating liquor on Government premises—to the Committee on Alcoholic Liquor Traffic.

By Mr. RIDER: Resolution of the American Hardware Association, relative to public lands and forestry—to the Committee on the Public Lands.

Also, resolution of the Maritimers' Association of the Port of New York, favoring bill S. 2262—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Clothiers' Association of the City of New York, opposing repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, resolution of the Congress of the Knights of Labor of New York, against adulteration of food—to the Committee on Agriculture.

By Mr. RUPPERT: Resolution of the Sixteenth Annual Congress of the Knights of Labor of New York City, favoring passage of the pure-food bill—to the Committee on Agriculture.

Also, petition of the board of directors of the Maritimers' Association of the Port of New York, favoring bill S. 2262—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: Petition of Enderlin Division, No. 453, Order of Railway Conductors, relative to bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of citizens of Jamestown and Osnabrock, N. Dak., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of the legislature of North Dakota relating to the Interstate Commerce Commission, favoring the President's recommendations—to the Committee on Interstate and Foreign Commerce.

By Mr. TAWNEY: Petition of citizens of Minnesota, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WACHTER: Paper to accompany bill for relief of Henry Kichne—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of William Keister—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolutions of the Maritime Exchange, the Commercial Exchange, the Board of Trade, the Growers and Importers' Exchange, the Trades League, and the Board of Marine Underwriters, of Philadelphia, Pa., and the Vessel Owners and Captains' Association of Philadelphia, New Jersey, and Delaware, for passage of bill S. 2262—to the Committee on Interstate and Foreign Commerce.

By Mr. WALLACE: Resolution of senate and house of representatives of Arkansas, relative to union with Indian Territory—to the Committee on the Territories.

By Mr. WILEY: Petition of the Newark District of the Woman's Home Missionary Society, favoring an amendment to Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. ZENOR: Petition of citizens of Sullivan County and Patricksburg, Ind., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

SENATE.

TUESDAY, *February 14, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

REPORT OF CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company for the calendar year 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

GROWERS OF LEAF TOBACCO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 9th instant, a construction of the proviso of section 69 of the act of August 28, 1894, made by the Commissioner of Internal Revenue, in regard to the sale of tobacco by farmers; which, on motion of Mr. DANIEL, was, with the accompanying paper, referred to the Committee on Finance, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the bill (S. 3456) to designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes; in which it requested the concurrence of the Senate.

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

H. R. 14534. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 15970. An act to amend section 1141 of the act to establish a code of law for the District of Columbia, approved March 3, 1901, as amended by the act approved June 30, 1902;

H. R. 16187. An act for the extension of Nineteenth street from Woodley road to Baltimore street;

H. R. 16917. An act to provide for condemning the land necessary for joining Kalorama avenue and Prescott place;

H. R. 16989. An act to amend section 602 of an act entitled "An act to establish a code of law for the District of Columbia," as amended;

H. R. 17746. An act authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, and so forth, in the District of Columbia;

H. R. 18000. An act authorizing the extension of W street NW.;

H. R. 18038. An act relating to the inspection of steam boilers in the District of Columbia;

H. R. 18216. An act to close and open an alley in square No. 806, in the city of Washington, D. C.;

H. R. 18589. An act to amend an act entitled "An act to establish a code of law for the District of Columbia;"

H. R. 18725. An act supplemental to the act of February 9, 1821, incorporating the Columbian College, in the District of Columbia, and the acts amendatory thereto;

H. R. 18881. An act for the extension of Rittenhouse street, and for other purposes; and

H. R. 18887. An act to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes."

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill; and it was thereupon signed by the President pro tempore:

H. R. 16799. An act making Texas City, Tex., a subport of entry in the customs collection district of Galveston.

PETITIONS AND MEMORIALS.

Mr. WETMORE presented a petition of 17 citizens of Rhode Island, praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PROCTOR presented the petition of Julia Billings and sundry other citizens of Woodstock, Vt., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.