Also, petition of citizens of Nebraska, favoring passage of the Hepburn-Dolliver bill and the McCumber-Sperry bill—to the Committee on the Judiciary.

By Mr. HUFF: Petition of 14 citizens of New York and vicinity, for relief of the victims of the *Slocum* disaster—to the Committee on Claims.

By Mr. KAHN: Petition of Pioneer Automobile Company, of San Francisco, against legislation for licensing of automobile drivers—to the Committee on Interstate and Foreign Commerce.

Also, petition of 20 citizens of New York and vicinity, for relief of heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Sierra Club, of California, for recession of Yosemite Valley and Mariposa big-tree groves to the United States—to the Committee on Agriculture.

Also, petition of Cigar Makers' Union No. 228, of San Francisco, Cal., against the Philippine bill—to the Committee on Ways and Means.

Also, petition of the American Wine Growers' Association, for an amendment to the law relative to sweet wines—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill H. R. 9146—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: Petition of the Equinunk Chemical Company, of Lanesboro, Pa., against bill H. R. 7079—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Lewis Robacker—to the Committee on Invalid Pensions.

Also, petition of 20 citizens, for relief of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, paper to accompany bill for relief of George L. Waltz—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Douglas Wilson—to the Committee on Claims.

By Mr. LINDSAY: Petition of the Arbuckle Brothers Company, of New York, for the passage of bill H. R. 10090—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: Paper to accompany bill for relief of James B. Haines—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of F. E. Alvard—to the Committee on Invalid Pensions.

By Mr. MANN: Paper to accompany bill for relief of Richard Hudson—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of the Ames Smokeless Powder Company, of Boston, favoring removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MONDELL: Paper to accompany bill for relief of Allison Nailor—to the Committee on War Claims.

By Mr. OTJEN: Petition of citizens of Michigan, protesting against reestablishment of the Army canteen—to the Committee on Military Affairs.

By Mr. OVERSTREET: Petition of the W. D. Huffman Company, for free alcohol used in the arts—to the Committee on Ways and Means.

By Mr. PAYNE: Paper to accompany bill for relief of Thomas P. Crandall—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Samuel G. Raymond—to the Committee on Invalid Pensions.

Also, petition of soldiers, in support of bill H. R. 12588, granting an increase of pension to Joseph B. Dickinson—to the Committee on Invalid Pensions.

Also, petition of citizens of New York, asking removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. REID: Paper to accompany bill for relief of John S. Houston—to the Committee on War Claims.

By Mr. RHINOCK: Paper to accompany bill for relief of Margaret M. Scheper—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Mathew N. Grimmett—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Jonathan Paulk, of Lauderdale County, Ala.—to the Committee on War Claims.

By Mr. RYAN: Petition of the Society of Medical Jurisprudence, of New York, favoring reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of Edward D. Janeway and 25 other doctors, for enactment of a pure food and drug law—to the Committee on Agriculture.

By Mr. SIBLEY: Petition of Sandy Lake (Pa.) Grange, No. 393, for removal of the tax on alcohol—to the Committee on Ways and Means.

Also, petitions of the Lackawanna Chemical Company, of Straight, Elk County; the Straight Creek Chemical Company, the Forest Chemical Company, the Kinzua Chemical Company, and the Bayless Brothers Chemical Company, all in Pennsylvania, for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of the Olla Podrida Club, for preservation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. THOMAS of North Carolina: Petition of the State Farmers' Convention of North Carolina and the State board of agriculture of North Carolina, for an appropriation to exterminate the cattle tick—to the Committee on Agriculture.

Also, petition of the North Carolina Society of Colonial Dames of America, against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. WADSWORTH: Petition of the Woman's Christian Temperance Union of Hulburton, N. Y., against sale of liquor in Soldiers' Homes and all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. WOODYARD: Petition of Kanawha Valley Council, No. 66, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *January 22, 1906.*

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

JOSEPH R. BURTON, a Senator from the State of Kansas, appeared in his seat to-day.

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

The VICE-PRESIDENT. The Journal stands approved.

POSTAGE ON PERIODICAL PUBLICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of December 15, 1905, certain information relative to the construction placed by the Post-Office Department upon the existing laws prescribing the postage for periodical publications under the rules and practice of that Department; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

AWARD OF SPANISH TREATY CLAIMS COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the record of an award made by the Spanish Treaty Claims Commission under the provisions of the act of March 2, 1901, to Maria Luisa Calvo de Almagro, $7,500; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PERMANENT BARRACKS FOR THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General, together with a report of the Quartermaster-General of the Army, requesting that the limit of cost of $20,000 for permanent barracks or quarters and buildings and structures of a permanent nature prescribed by section 1136 of the Revised Statutes be increased to $60,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

GIFT TO REAR-ADMIRAL C. H. DAVIS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that Rear-Admiral C. H. Davis, United States Navy, be authorized to accept a silver cup and salver and a silver punch bowl and cups tendered through the Department of State by the British and Russian ambassadors, respectively, in the name of their Governments, etc.; which was referred to the Committee on Foreign Relations, and ordered to be printed.

ACCEPTANCE OF GIFTS AND DECORATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that certain citizens of the United States and officers in the United States Army and Navy be permitted to accept certain gifts and decorations presented to them by foreign governments; which was referred to the Committee on Foreign Relations, and ordered to be printed.

INSPECTION OF SENATE ELEVATORS.

The VICE-PRESIDENT laid before the Senate a communication from Elliott Woods, Superintendent of the United States Capitol building and grounds, stating that instructions calling

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

for a complete daily inspection of each and every elevator in the Senate wing of the Capitol are being carried out during the present session of Congress; which was referred to the Committee on Rules, and ordered to be printed.

TRADE WITH BRAZIL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the report of Lincoln Hutchinson, special agent of the Department of Commerce and Labor, relative to the conditions affecting the trade of the United States with Brazil; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

OWNERSHIP OF LAND IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 17th instant, copies of replies from eight members of the Philippine Commission relative to whether any member of that Commission owned on December 1, 1905, or now owns any lands in the Philippine Islands; which, with the accompanying papers, was refered to the Committee on the Philippines, and ordered to be printed.

TRADE WITH CANADA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the report of Charles M. Pepper, special agent of the Department of Commerce and Labor on conditions affecting the trade of the United States with the Dominion of Canada; which, with the accompanying paper, was referred to the Committee on Relations with Canada, 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 the following bills:

S. 321. 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 Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah; and

S. 2159. An act authorizing the Jasper and Eastern Railway Company, its successors and assigns, to construct and operate a railroad bridge across the Sabine River, in the States of Texas and Louisiana.

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

H. R. 3127. An act providing for the holding of Federal court at Grand Island, Nebr.;

H. R. 5976. An act to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes; and

H. R. 7085. An act authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Indiana State board of veterinary medical examiners, of Muncie, Ind., remonstrating against the enactment of legislation extending the hours for the interstate transit of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Fruit Exchange of Colton, Cal., praying for the passage of the so-called "Dolliver bill" to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Mary A. Smith and sundry other citizens of the Choctaw Nation, Indian Territory, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

He also presented a petition of the general conference committee of the Seventh Day Adventists of the District of Columbia, praying for the enactment of legislation to authorize the Baltimore and Washington Transit Company of Baltimore to extend its lines into the District; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Society of Medical Jurisprudence, of New York City, N. Y., praying for the enactment of legislation providing for the reorganization of the medical departments of the Army and Navy; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Southern Corn Millers' 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 a petition of the Farragut Association of Naval Veterans, of Philadelphia, Pa., praying for the enactment of legislation to prevent the destruction of the U. S. frigate *Constitution*, commonly known as "Old Ironsides;" which was referred to the Committee on Naval Affairs.

Mr. FRYE presented a petition of the Society of Chemical Industry, of Boston, Mass., praying for the enactment of legislation to remove the duty on grain alcohol; which was referred to the Committee on Finance.

He also presented memorials of Local Union No. 376, of Waterville; of Local Union No. 376, of Gardiner, and of Local Union No. 284, of Waterville, all of the Cigar Makers' International Union of America, in the State of Maine, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. McCUMBER presented the petition of Dr. J. C. Smith and 24 other citizens of Thompson, N. Dak., praying that when the Territories are admitted to statehood there be placed in their constitution the prohibition clause; which was referred to the Committee on Territories.

Mr. PLATT presented a petition of the Society of Medical Jurisprudence, of New York City, N. Y., praying for the enactment of legislation to provide for a reorganization of the medical departments of the United States Army and Navy; which was referred to the Committee on Military Affairs.

He also presented a petition of the American Bar Association, the Commercial Law League of America, the Merchants' Association, the National Board of Trade, and the National Association of Credit Men, of New York City, N. Y., praying for the passage of a permanent bankruptcy law, and remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Minerva Club, of New York City, N. Y., praying for the enactment of legislation to increase the salary of the President of the United States; which was referred to the Committee on Appropriations.

He also presented a petition of the Merchants and Manufacturers' Board of Trade of New York City, N. Y., praying for the enactment of legislation to reorganize the consular service of the United States; which was ordered to lie on the table.

He also presented a petition of Wallkill River Grange, Patrons of Husbandry, of Middletown, N. Y., praying for the enactment of legislation to remove the duty on alcohol intended for industrial purposes; which was referred to the Committee on Finance.

He also presented a petition of the council of the Grolier Club, of New York City, N. Y., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

He also presented a petition of Thomas Dickson Division, No. 171, Order of Railway Conductors, of Mechanicsville, N. Y., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Erie County Society for the Prevention of Cruelty to Animals, of Buffalo, N. Y., remonstrating against the enactment of legislation extending the time limit of confinement of live stock while in transit; which was referred to the Committee on Interstate Commerce.

He also presented memorials of Local Division No. 311, Brotherhood of Locomotive Engineers, of Binghamton; of Local Division No. 54, Order of Railway Conductors, of New York City; of Bartholdi Lodge, No. 309, Brotherhood of Locomotive Firemen, of Long Island; of Local Lodge No. 517, Brotherhood of Railroad Trainmen, of Brooklyn, and of Long Island Division, No. 279, Brotherhood of Locomotive Engineers, of Long Island, all in the State of New York, remonstrating against the passage of the so-called "Esch-Townsend railroad-rate bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of Local Union No. 348, Cigar Makers' International Union, of Corning, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation to create a Federal judicial circuit court in the Orient; which was referred to the Committee on Foreign Relations.

He also presented the memorial of William A. Flower and sundry other citizens of New York City, N. Y., remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation

to extend the time to July 1, 1909, of the act to regulate shipping between the United States and the Philippine Islands; which was referred to the Committee on Commerce.

He also presented a petition of the Association for the Protection of Commerce of the Port of New York, of New York City, N. Y., and a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation to deepen Coney Island channel, in that State; which were referred to the Committee on Commerce.

He also presented a petition of Charles Dersch, Fred W. Hotz, and sundry other citizens of New York, praying for the enactment of legislation for the relief of the survivors of the *General Slocum* disaster; which was referred to the Committee on Claims.

He also presented petitions of Council No. 21, of Brooklyn; Council No. 83, of Woodmere; Council No. 37, of Riverhead; General James A. Garfield Council, No. 69, of Brooklyn; Central City Council, No. 52, of Syracuse; Victory Council, No. 62, of Wappingers Falls; Pulver Council, No. 14, of Ravena; Freeport Council, No. 57, of Freeport; Empire Council, No. 28, of Greenport; A. A. Haines Council, No. 56, of Amagansett; Wagwagonock Council, No. 64, of Sag Harbor; Richmond Council, No. 19, of Port Richmond; Shelter Island Council, No. 32, of Shelter Island; Atlantic Council, No. 42; General Warren Council, No. 46, of Brooklyn; Excelsior Council, No. 108, of Brooklyn; Delaware Council, No. 9, of Port Jervis; Greenwich Council, No. 24, of New York City; Columbia Council, No. 31, of Port Washington, and of Major Weston Council, No. 129, of Fishkill, all of the Junior Order United American Mechanics; of Local Division No. 1576, United Brotherhood of Carpenters and Joiners of America, of Mechanicsville; of Local Division No. 8856, of the Laborers' Protective Union, of Middletown, and of sundry citizens of Seneca Falls, all in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of the Woman's Christian Temperance Unions of Smithboro, Caughdency, Kendall, Fort Edward, Peruville, and Waterford, all in the State of New York, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of the congregations of the Methodist Episcopal, Free Baptist, and Evangelical churches of Indian Falls, N. Y.; of Mrs. Mary B. Thomson, of St. Louis, Mo.; Mrs. Fanny M. Blossom, of Bradford, Pa.; Blossom Hawk, of St. Louis, Mo.; Mrs. Helen Giboney, of Chautauqua, N. Y., and of Mrs. Hattie Cole, and sundry other citizens of Cuba, N. Y., praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the General Synod of the Reformed Church in America, of Raritan, N. J., praying for the adopting of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Indian Association of Cortland and of the National Indian Association of Brooklyn, in the State of New York, praying for the enactment of legislation for the relief of the landless Indians in northern California; which were referred to the Committee on Indian Affairs.

Mr. DEPEW presented a petition of the Board of Underwriters of New York City, N. Y., praying for the enactment of legislation for the improvement of the navigation in that harbor; which was referred to the Committee on Commerce.

He also presented a petition of the Peace Convention of the Shakers of Mount Lebanon, N. Y., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Chamber of Commerce of Paris, France, praying for the ratification of a reciprocity treaty between the United States and France; which was referred to the Committee on Foreign Relations.

He also presented petitions of Councils Nos. 66, 82, 280, 20, 97, 16, 32, 175, 6, 246, 8, 58, 37, 52, 3, 5, 27, 289, of Amagansett, Wappingers Falls, Oswego, Kerhonkson, Poughkeepsie, Brooklyn, Shelter Island, Maspeth, Frankfort, Lockport, Rome, Roverhead, Syracuse, Newburgh, Southampton, Elmira, Jamestown, and New York City, all of the Junior Order of United American Mechanics, in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of Local Union No. 5, Cigar Makers' International Union, of Rochester, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. SMOOT. I present a petition of citizens of Arizona, favoring the annexation of the Arizona Strip to the State of Utah. I ask that it be printed in the RECORD and referred to the Committee on Territories.

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

Mr. FRYE. Under the rule the names of the petitioners will not be printed.

The VICE-PRESIDENT. No; under the rule the names can not be printed.

There being no objection, the petition was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

We, the undersigned citizens and taxpayers of the "Arizona Strip," do hereby petition Congress for annexation to the State of Utah. We make this petition for the following reasons:

By our geographical position we are separated from the judicial and political headquarters of Arizona. We are 250 miles from our county seat, thus making protection from the courts expensive and impracticable.

Our business and our social contact is necessarily with Utah; even our communication with Territorial officials must be made over Utah routes.

And especially in view of the prospective joint statehood of Arizona and New Mexico do we urge a favorable consideration. This jointure could only have the effect of increasing above-mentioned objections.

In conclusion we beg to acknowledge the courtesies extended us by Arizona. Still, in face of present prospective conditions do we stand for annexation to Utah.

Signed this 14th day of December, 1905, at Fredonia, Ariz.

Mr. WARNER presented a petition of sundry citizens of Carthage, Mo., praying that an appropriation be made providing for the erection of a post-office building in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Methodist Episcopal Church of Potosi, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of Local Union No. 44, Cigar Makers' International Union of America, of St. Louis, Mo., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a paper to accompany the bill (S. 1893) to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes; which was referred to the Committee on Indian Affairs.

He also presented a paper to accompany the bill (S. 2485) for the relief of William S. Johnson; which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of St. Louis; of Local Unions Nos. 267, 102, 32, 18, 2, 100, 6, 1635, 80, 335, 13, 1, 296, 537, 472, 46, 52, 19, 1391, and 162, Kansas City, St. Louis Springfield, Monett, Hannibal, all of the American Federation of Labor, in the State of Missouri, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. OVERMAN presented petitions of Bostic Council, No. 171, of Bostic; Newton Council, No. 84, of Newton; Walnut Creek Council, No. 55, of Raleigh; South Side Council, No. 80, of Winston-Salem; Cliffside Council, No. 139, of Cliffside; Intelligence Council, of Intelligence; Aramanchee Council, No. 72, of Worthville; Kernersville Council, No. 54, of Kernersville; Wilson Council, No. 40, of Wilson; Lenoir Council, No. 78, of Kinston; Guilford Council, No. 23, of High Point; Trophy Council, No. 29, of High Point; Carthage Council, No. 165, of Carthage; Eseola Council, No. 86, of Saginaw; Alexander Council, No. 46, of Taylorsville; Lexington Council, No. 21, of Lexington; Granville Council, No. 117, of Oxford; Blue Ridge Council, No. 73, of Mount Airy, and of Ashpole Council, No. 178, of Ashpole, all of the Junior Order United American Mechanics, in the State of North Carolina, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Salisbury, N. C., remonstrating against the passage of the so-called "Esch-Townsend railway rate bill;" which were referred to the Committee on Interstate Commerce.

Mr. ELKINS presented petitions of Local Councils Nos. 65, 175, 20, 45, 182, 281, 95, 30, 201, 30, 105, 221, 8, 68, 60, 81, 27, 3, 105, 141, of Elm Grove, New Haven, Keyser, Gladesville, Wheeling, Palestine, Freed, Charleston, White Pine, Bayard, and Wise, all of the Junior Order United American Mechanics, in the State of West Virginia, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. WETMORE presented a petition of Washington Council, No. 2, Junior Order United American Mechanics, of Provi-

dence, R. I., praying for the enactment of legislation to restrict immigration and also for the revision of the naturalization laws; which was referred to the Committee on Immigration.

He also presented a petition of Rocky Hill Grange, No. 27, Patrons of Husbandry, of Rocky Hill; of Union Grange, No. 13, Patrons of Husbandry, of Statesville; of Nonquit Grange, No. 31, Patrons of Husbandry, of Tiverton, and of Portsmouth Grange, No. 29, Patrons of Husbandry, of Portsmouth, all in the State of Rhode Island, praying that increased appropriations be made for the maintenance of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of 320 citizens of the District of Columbia; a petition of Lafayette Post, No. 120, Grand Army of the Republic, and of Henry Wilson Post, No. 17, Grand Army of the Republic, in the District of Columbia, praying for the enactment of legislation providing a home in the District of Columbia for ex-volunteer soldiers and sailors; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Society of Chemical Industry of New England, praying that the internal-revenue tax of $2.07 per gallon be removed from grain alcohol when made undrinkable; which was referred to the Committee on Finance.

He also presented a petition of the board of managers of the Massachusetts Society of the Sons of the American Revolution, praying for the enactment of legislation for the preservation of the U. S. frigate *Constitution*, commonly known as "Old Ironsides;" which was referred to the Committee on Naval Affairs.

He also presented the petition of Ward R. Clarke, of Dover, N. H., praying that an investigation be made of existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Takoma Park Citizens' Association, of the District of Columbia, and a petition of the Joint Conference of the Seventh-Day Adventists of Washington, D. C., praying for the enactment of legislation granting authority to the Baltimore and Washington Transit Company, of Baltimore, to extend its lines into the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of H. Y. Satterlee, bishop of Washington, D. C., praying for the enactment of legislation for the extension and improvement of Massachusetts avenue; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Dr. Hamilton S. Smith, of Washington, D. C., remonstrating against changing the name of Pierce place to Samson street in that city; which was referred to the Committee on the District of Columbia.

Mr. DOLLIVER presented a petition of Local Union No. 1, American Society of Equity, of Panora, Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented a petition of Local Division No. 1, Ancient Order of Hibernians, of New London, Conn., praying that an appropriation be made for the erection of a monument to the memory of the late Commodore John Barry; which was referred to the Committee on the Library.

He also presented a petition of Chamberlain Council, No. 2, Junior Order United American Mechanics, of New Britain, Conn., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the New Haven and Coastwise Lumber Dealers' Association, of New Haven, Conn., praying for the enactment of legislation to provide for the establishment of a forest reservation in the White Mountains; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Club of Enfield, Conn., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. CULBERSON. I present a memorial of the General Grievance Committee of the Brotherhood of Railroad Trainmen of the Houston and Texas Central Railway System, remonstrating against the passage of a railway rate bill. It is hardly necessary for me to add that I do not indorse the memorial. I move that it be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. BLACKBURN presented the petition of P. J. Cosgrove and sundry other citizens of Louisville, Ky., praying that a pension of $20 a month be granted to Miss Mary Carroll, of that city; which was referred to the Committee on Pensions.

He also presented the petition of E. W. Hawkins, of Newport, Ky., praying that relief be granted the heirs of John Hawkins, of Hanover County, Va., for services rendered by him in the Revolution; which was referred to the Committee on Claims.

Mr. BEVERIDGE presented a petition of the Manufacturers' Association of Indianapolis, Ind., praying for the enactment of legislation to remove the duty on alcohol used for industrial purposes; which was referred to the Committee on Finance.

Mr. HEMENWAY presented a petition of the legislature of Indiana, praying that an appropriation be made for the erection of an auditorium in the national cemetery at the city of New Albany, in that State; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Concurrent resolution (No. 6) memorializing Congress for the erection of an auditorium in the national cemetery at New Albany, Ind.

Whereas the necessity is great and urgent that in the national cemetery at New Albany, Ind., provision should be made for the safe and comfortable seating of the multitudes who visit and adorn the graves of the dead heroes of the Republic, and who attend the stated exercises of the Grand Army of the Republic and other patriotic bodies on Decoration Day and other memorial occasions: Now, therefore, be it

Resolved by the general assembly of the State of Indiana, That our Senators in Congress be respectfully requested, and our Representatives in Congress instructed, to present this resolution to their respective Houses, and to ask the Congress to make an appropriation of the sum of $6,000 for the erection of an auditorium in the national cemetery at the city of New Albany, Ind., suitable for the purposes specified in the foregoing preamble.

This resolution was passed by the Indiana senate on February 3, 1905, and concurred and adopted by the house February 15, 1905.

Mr. HEMENWAY presented a petition of Delaware Council, No. 4, Junior Order of United American Mechanics, of Muncie, Ind., and a petition of Golden Rule Council, No. 5, Junior Order of United American Mechanics, of Winslow, Ind., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. CLAPP presented a paper to accompany the bill (S. 743) for the relief of Henry C. Block; which was referred to the Committee on Claims.

Mr. LONG presented a petition of the Woman's Christian Temperance Union of Niotaze, Kans., and a petition of the congregation of the Central Congregational Church, of Topeka, Kans., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the new States to be formed; which were referred to the Committee on Territories.

He also presented a petition of Local Division No. 161, Order of Railway Conductors, of Parsons, Kans., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Kansas Retail Grocers and General Merchants' Association of Kansas, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Law League of America, of Philadelphia, Pa., praying for the enactment of legislation to reorganize the consular service of the United States; which was ordered to lie on the table.

He also presented sundry affidavits to accompany the bill (S. 2619) granting an increase of pension to William H. Willie; which were referred to the Committee on Pensions.

Mr. BURROWS presented a petition of the Indian Association of Northern Michigan, praying that an appropriation be made for the purchase of small land holdings for the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Webster Farmers' Club, of Dexter, Mich., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Owosso Township Grange, Patrons of Husbandry, of Owosso, Mich., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Grand Rapids, Mich., praying that an appropriation be made for the erection of a public building in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Flint, Mich., praying for the ratification of international arbitration treaties and for the construction and completion of new war vessels; which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation to permit any street railway company to construct its line on M street; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Wakefield; of Local Lodge No. 197, Junior Order of United American Mechanics, of Wakefield; of the Street Railway Employees' Association of Detroit; of Local Union, Amalgamated Tin Sheet Metal Workers, of Kalamazoo; of Local Council No. 28, Junior Order of United American Mechanics, of Wyandotte; of Local Division No. 2, Brotherhood of Locomotive Engineers, of Jackson; of St. Clair Lodge, No. 241, Brotherhood of Railroad Trainmen, of Port Huron; of Park Lodge, No. 555, Brotherhood of Railroad Trainmen, of Detroit; of Local Union No. 29, American Federation of Labor, of Manistiro; of Local Council No. 28, Junior Order of United American Mechanics, of Wyandotte, and of Local Union No. 388, American Federation of Labor, of Kalamazoo, all in the State of Michigan, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Anadarko, Okla.; of the congregation of the First Wesleyan Methodist Church, of Rives Junction; of sundry citizens of Michigan; of the North Nebraska Conference of the Methodist Episcopal Church; of the Home Protective League of Salt Lake City, Utah; of the Woman's Synodical Society of Missions of the Presbyterian Church of Oklahoma and Indian Territories; of the National League of Women's Organizations of Holland, Mich., and of the Woman's Christian Temperance Union of Rives Junction, Mich., 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 petitions of the Board of Trade of Detroit; of the Legislative Committee of the National Grange, Patrons of Husbandry, of Michigan; of Madison Grange, Patrons of Husbandry, of Adrian, and of the Michigan State Grange, Patrons of Husbandry, of Ann Arbor, all in the State of Michigan, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented memorials of Local Union No. 208, Cigar Makers' International Union of America, of Kalamazoo; of sundry citizens of Kalamazoo; of Local Union No. 340, Cigar Makers' International Union of America, of Traverse City, and of the Edgewood Cigar Factory, of Sault Ste. Marie, all in the State of Michigan, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 894) granting an increase of pension to Florence A. Sewell; which were referred to the Committee on Pensions.

Mr. PILES presented a memorial of sundry citizens of Washington, remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented memorials of Grays Harbor Trades and Labor Council; of Cigar Manufactory No. 71; of sundry citizens of Aberdeen; of Cigar Manufactory of Hoquiam; of Cigar Factory No. 38, of Elma; of Cigar Makers' Union, No. 325, of Spokane, all in the State of Washington, remonstrating against the enactment of legislation temporarily to provide revenue for the Philippine Islands, and for other purposes; which were referred to the Committee on the Philippines.

NEEDS OF ALASKA.

Mr. PILES. In November last the 60,000 American residents in Alaska, represented by elected delegates, met in a territorial convention in the city of Seattle and chose three delegates to present to the President and Congress the needs of that section of the country. The convention also adopted a memorial, which I present, and ask that it be read and referred to the Committee on Territories.

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

To the people, the Congress, and the President of the United States:

The 60,000 Americans resident in Alaska, represented by elected delegates in Territorial convention this 20th day of November, 1905, appeal to the American people in every State and Territory, and to Congress and the President of the United States, with a candid statement of Alaska's needs, and a respectful demand for the recognition of her rights.

That those needs may be clearly understood and those rights dealt with in justice, we deem it fitting to present an outline of conditions as they exist in Alaska to-day.

In the precious metals of gold, silver, and copper, and in deposits of coal, tin, and iron ore, we believe that Alaska is the world's richest storehouse. Its waters produce one-half of the annual salmon catch of the Western Hemisphere. Its 580,107 square miles exceed the combined areas of the Empires of Germany and Austria-Hungary, and the islands of Great Britain and Ireland.

The great mountain systems of Alaska are crowned with ice and snow, and they feed glaciers, but in the southern and central portions are vast and fertile valleys, some as large as the State of Ohio, densely timbered and yielding abundantly of grasses, all varieties of vegetables, and the hardy grains. These valleys correspond in area, latitude, and climatic conditions with portions of northwestern Europe which contain 16,000,000 of enlightened and prosperous people.

Within this wide expanse of territory 60,000 Americans, their numbers rapidly increasing, are engaged in developing resources of limitless extent and of incalculable benefit to the prosperity of the United States.

But their work is a struggle against adversity. They face not alone the physical disadvantages of a country alternating with rugged mountains and forest-covered valleys, but they are burdened with laws wholly unsuited to their needs, which breed expensive litigation, engender animosities, and frequently bring progress to a halt.

A heavy tax is imposed by Congress upon every character of Alaskan industry and but a fraction of it is applied to Alaska's welfare as the people of Alaska believe it should be applied.

The 60,000 Americans in Alaska represent the vigor and intelligence of young manhood from every State and Territory of the Union. They have carried with them to their new home the public school, the church, the hospital, the daily newspaper, the telephone, and the electric light. They have carried also to their new home the American love of liberty and the American belief that their local affairs can be regulated by themselves better than by a body of men, however enlightened, living in different environments and occupied with other duties many thousands of miles away.

Wherefore, we demand the application to Alaska of the fundamental American principle of self-government and elective representation in Congress. We ask no help or favors, but only to be permitted to work out our own destiny and do our share in contributing to the prosperity and welfare of our common country.

In addition, we present herewith Alaska's other immediate and most urgent needs:

First and foremost. A statute applying to Alaska alone, amendatory of and supplementary to the Federal statute on mines and mining, making it impossible to locate placer mining claims by agent or attorney in fact with or without power of attorney, or in any manner to locate such claims otherwise than in person; making it impossible to locate more than 20 acres of placer mining ground in one claim, thus abolishing the group-claim curse; making it impossible for any one person to locate more than two placer mining claims on any one creek, or on any one of its tributaries; declaring that the bona fide finding of gold in any quantity whatever anywhere within the boundaries of a placer mining claim constitutes discovery; substituting a cash assessment of $25 per annum on each placer mining claim for the annual labor asessment of $100 now required by law, with the penalty that failure to pay such cash assessment subjects the claim to relocation, the moneys so paid to be expended in the construction and maintenance of wagon roads and trails in Alaska, and, finally, declaring the law of water rights in connection with placer mining claims.

Second. A direct appropriation of $1,000,000 by Congress for the building of wagon roads and trails under the supervision of the Alaska Road Commission.

Third. The application of the earnings of the Government cable and telegraph system in Alaska to the betterment and extension of the cable, the land lines, and the wireless stations, and appropriations for necessary extensions of the cable.

Fourth. Legislation relieving United States judges in Alaska of administrative duties and the appointing of United States commissioners by transferring such duties to the governor or other civil officials.

Fifth. A redistricting of the present judicial divisions, an increase in the number of judges, and the creating of an appellate court in Alaska. That pending the creation of such appellate court appeals from Alaska be held in Seattle in lieu of San Francisco.

Sixth. The abolishing of the antiquated fee system in all offices and the substitution of adequate salaries.

Seventh. The removal of the restrictive tax of $100 per annum a mile on railroads in Alaska.

Eighth. The establishing of base lines and meridians in the vast and fertile valleys of southern and central Alaska to the end that homesteaders now located and locating there in large numbers may occupy and improve the public domains of Alaska on terms of equality with homesteaders on the public domains elsewhere in the United States.

Ninth. The providing of more light-houses on the coasts of Alaska, where a fleet of American steamers is engaged in the merchant marine exceeding in numbers the American fleet engaged in one field on any other ocean.

Tenth. Better postal facilities, with special reference to assistance for postmasters in rapidly growing towns.

Eleventh. The erection of suitable buildings for the transaction of public business in the several divisions of Alaska.

Twelfth. We favor placing the care and protection of the native of Alaska under the direct supervision of the governor, in accordance with the recommendation of the President in his annual message of 1904.

In conclusion, we appeal to the press of the United States for the just treatment which it accords, when rightly informed, to all deserving interests.

Respectfully submitted, with the unanimous indorsement of the committee on resolutions, November 20, 1905.

J. G. PRICE, *Chairman.*
J. J. BURNS, *Secretary.*

Approved by unanimous vote, November 20, 1905, by the convention.

A. P. SWINEFORD, *President.*
J. J. BURNS, *Secretary.*

This is to certify that the third Alaska Territorial convention, composed of delegates duly elected by the people of Alaska pursuant to regular call and assembled and in session at Seattle, Wash., from November 15 to 22, 1905, for the purpose of memorializing the President and the Congress of the United States with regard to the legislative needs of Alaska, have regularly elected A. P. Swineford, Richard S. Ryan, and Omar J. Humphrey as delegates and representatives of the people of Alaska to appear before the President and the Congress to urge the enactment of such legislation as is requested by memorial and resolutions duly made and attested and herewith transmitted through the above-named delegates.

A. P. SWINEFORD, *Chairman.*
J. J. BURNS, *Acting Secretary.*

REPORTS OF COMMITTEES.

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

A bill (H. R. 5027) granting an increase of pension to Charles W. Knight;

A bill (H. R. 2735) granting an increase of pension to Samuel Foster;

A bill (H. R. 2089) granting an increase of pension to Laura J. Forbes;

A bill (H. R. 1789) granting an increase of pension to Jacob Shade;

A bill (H. R. 1056) granting a pension to Galon S. Clevenger;

A bill (H. R. 1288) granting an increase of pension to Sterns D. Platt;

A bill (H. R. 1179) granting an increase of pension to Thomas Pickett;

A bill (H. R. 4153) granting an increase of pension to Henry C. Wildy;

A bill (H. R. 3449) granting an increase of pension to Harvey Gaskill;

A bill (H. R. 4165) granting an increase of pension to Henry G. Sternberg;

A bill (H. R. 3405) granting an increase of pension to David Palmer;

A bill (H. R. 3340) granting an increase of pension to William Moorhead;

A bill (H. R. 1199) granting a pension to Lydia A. Jewell;

A bill (H. R. 2718) granting an increase of pension to James F. Hare;

A bill (S. 1842) granting an increase of pension to Ransom O. Thaver;

A bill (S. 1987) granting a pension to Ella T. Hapeman;

A bill (S. 145) granting an increase of pension to Wellington Marlatt;

A bill (S. 140) granting an increase of pension to Maitland J. Freeman;

A bill (S. 143) granting an increase of pension to James W. Calvert;

A bill (S. 3243) granting an increase of pension to Akey C. Johnson;

A bill (S. 212) granting an increase of pension to John T. Liddle; and

A bill (S. 211) granting an increase of pension to Wilson J. Pool.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 5023) granting an increase of pension to August Westfield;

A bill (S. 2023) granting a pension to Amanda M. Richey; and

A bill (S. 986) granting an increase of pension to Caroline M. Doan.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1212) granting an increase of pension to John S. Wilcox;

A bill (S. 949) granting an increase of pension to Jacob Eppler; and

A bill (S. 2779) granting an increase of pension to James J. Egan.

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. 4196) granting an increase of pension to James J. Winans;

A bill (H. R. 3506) granting an increase of pension to George W. McCormick;

A bill (H. R. 2594) granting an increase of pension to Levi Bearss;

A bill (H. R. 2011) granting an increase of pension to John Lezenby;

A bill (H. R. 2435) granting a pension to Hilia Ann Connor;

A bill (H. R. 2395) granting an increase of pension to Christopher Clinton;

A bill (H. R. 1752) granting an increase of pension to Hugh Lokerson;

A bill (H. R. 1505) granting an increase of pension to William Birmingham;

A bill (H. R. 1511) granting an increase of pension to Cornelius A. Hallenbeck; and

A bill (S. 393) granting an increase of pension to Lucinda Stamper.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 329) granting an increase of pension to William E. Blewitt;

A bill (S. 2415) granting an increase of pension to Fannie Ida Edgerton; and

A bill (S. 1852) granting an increase of pension to Milton Marsh.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 2255) granting an increase of pension to James Thompson, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, 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. 3006) granting an increase of pension to William H. Crites;

A bill (H. R. 3010) granting an increase of pension to Thomas C. Meadows;

A bill (H. R. 1073) granting an increase of pension to William J. Castlow;

A bill (H. R. 1378) granting an increase of pension to Henry H. Hobart;

A bill (H. R. 1766) granting an increase of pension to John T. Stone;

A bill (H. R. 1772) granting an increase of pension to James C. Plybon;

A bill (H. R. 1074) granting an increase of pension to Benjamin F. Bean;

A bill (H. R. 486) granting an increase of pension to John Armstrong;

A bill (H. R. 1381) granting an increase of pension to David H. Quigg;

A bill (H. R. 1868) granting an increase of pension to Perry Egge;

A bill (H. R. 8550) granting an increase of pension to John Bierer;

A bill (S. 2564) granting an increase of pension to Michael Matheney;

A bill (S. 2229) granting an increase of pension to William I. Hilkey; and

A bill (S. 126) granting an increase of pension to William J. Street.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 120) granting an increase of pension to John M. Buckley;

A bill (S. 2583) granting an increase of pension to Thomas Robey;

A bill (S. 3180) granting an increase of pension to Jacob A. Geiger; and

A bill (S. 508) granting an increase of pension to William Kress.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 330) granting an increase of pension to Kemenskio A. N. L. Collins; and

A bill (S. 1432) granting an increase of pension to John W. Foreaker.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2730) granting an increase of pension to James P. Ford;

A bill (S. 1838) granting an increase of pension to Harvey S. Harriman;

A bill (S. 644) granting an increase of pension to William R. Hubbell;

A bill (S. 637) granting an increase of pension to John D. O'Brien;

A bill (S. 1041) granting an increase of pension to Myron E. Billings; and

A bill (S. 1038) granting an increase of pension to James Frazier.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 244) granting an increase of pension to Thomas Bramel; and

A bill (S. 2552) granting an increase of pension to Louise J. D. Leland.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1735) granting an increase of pension to Washington Hogans, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2144) granting an increase of pension to James A. M. Brown, reported it with amendments, and submitted a report thereon.

Mr. BURKETT, 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. 3245) granting an increase of pension to Robert C. Smyth;

A bill (H. R. 3575) granting an increase of pension to Silas B. Hovious;

A bill (H. R. 3606) granting an increase of pension to John S. Hoover;

A bill (H. R. 5686) granting an increase of pension to Adelle Tobey;

A bill (H. R. 4701) granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson;

A bill (H. R. 3758) granting an increase of pension to George Nulton;

A bill (H. R. 3716) granting a pension to Augustus Foss;

A bill (H. R. 8713) granting an increase of pension to Payton S. Lynn;

A bill (H. R. 6518) granting an increase of pension to James M. Long;

A bill (H. R. 3573) granting an increase of pension to John V. Sanders;

A bill (H. R. 1686) granting an increase of pension to George S. McGregor;

A bill (H. R. 1339) granting an increase of pension to James Kelley; and

A bill (H. R. 1853) granting an increase of pension to William J. Johnson.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 164) granting a pension to Helen A. Frederick, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 4216) granting an increase of pension to Robert Boon, reported it without amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Interstate Commerce, to whom was referred the amendment submitted by himself on the 18th instant, proposing an appropriation to pay H. C. Adams, Colin H. Livingstone, E. H. McDermot, John W. Fenton, jr., William H. Gaskin, W. A. Smith, Peter Riley, John R. Williams, and E. C. Goodwin for services rendered to the Committee on Interstate Commerce of the Senate in connection with the hearings on railroad rate regulation, intended to be proposed to the urgent deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 3244) granting an increase of pension to Anna F. Keith, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2879) granting an increase of pension to Mary J. Hoge, reported it with an amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (S. 2292) for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 2964) for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass., 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. 3368) granting an increase of pension to William McNair;

A bill (H. R. 1986) granting an increase of pension to Morris Bennett;

A bill (S. 723) granting an increase of pension to George W. Raigle;

A bill (H. R. 604) granting an increase of pension to Hiram F. Armstrong;

A bill (H. R. 4348) granting an increase of pension to William McCraw;

A bill (H. R. 7408) granting an increase of pension to Joseph W. Price;

A bill (H. R. 7309) granting a pension to Louis Dieckgraefe;

A bill (S. 1529) granting an increase of pension to James L. Small; and

A bill (S. 1367) granting an increase of pension to Almon Foster.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 606) granting an increase of pension to John Houston Crowell, reported it with amendments, and submitted a report thereon.

Mr. PILES, 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. 1361) granting an increase of pension to Camillus B. Leftwich;

A bill (H. R. 4876) granting an increase of pension to William L. Beeks;

A bill (S. 1509) granting an increase of pension to Thomas T. Hodges;

A bill (S. 2555) granting a pension to Sarah A. Bargar; and

A bill (S. 2293) granting an increase of pension to William C. Hitchcock.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1271) granting an increase of pension to Edward Irwin; and

A bill (S. 1270) granting an increase of pension to John C. Barr.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 1374) to establish a fish-cultural station in the State of Utah, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, 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. 4176) granting an increase of pension to Michael Mohan;

A bill (H. R. 3428) granting an increase of pension to Samuel E. Chamberlain;

A bill (H. R. 3481) granting an increase of pension to William H. Cranston;

A bill (H. R. 3451) granting an increase of pension to Alpheus A. Rockwell;

A bill (H. R. 3427) granting an increase of pension to William B. Kimball;

A bill (H. R. 3402) granting an increase of pension to Sidney S. Brigham;

A bill (H. R. 3283) granting an increase of pension to Bruno Tiesler;

A bill (H. R. 3487) granting an increase of pension to Ferdinand Weise;

A bill (H. R. 2770) granting an increase of pension to Ephraim Plumpton;

A bill (H. R. 1653) granting an increase of pension to Frank W. Weeks;

A bill (H. R. 1675) granting an increase of pension to Melissa S. Lee;

A bill (H. R. 1908) granting an increase of pension to Emma Rowe;

A bill (H. R. 1062) granting an increase of pension to George E. Brickett;

A bill (H. R. 1330) granting an increase of pension to William A. Hildreth;

A bill (H. R. 532) granting an increase of pension to James T. Berry;

A bill (S. 185) granting an increase of pension to Lewis H. Cate;

A bill (S. 179) granting an increase of pension to Charles H. Mayhew;

A bill (S. 80) granting an increase of pension to Julia A. Stanyan;

A bill (S. 1827) granting an increase of pension to George C. Chase;

A bill (S. 81) granting an increase of pension to David E. Everett;

A bill (S. 572) granting an increase of pension to Henry G. Salisbury;

A bill (S. 845) granting an increase of pension to Sarah A. Page;

A bill (S. 787) granting an increase of pension to Stephen Ernst;

A bill (S. 714) granting an increase of pension to Susie Place; and

A bill (S. 3001) granting an increase of pension to Juliet A. Bainbridge-Hoff.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 706) granting an increase of pension to Martha E. Saltar;

A bill (S. 11) granting an increase of pension to Ruth B. Gurney; and

A bill (S. 279) granting an increase of pension to Horace E. Barker.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 850) granting an increase of pension to Arthur Forrester Devereux, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Territories, to whom was referred the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, reported it without amendment, and submitted a report thereon.

THE COMMITTEE ON THE PHILIPPINES.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Massachusetts [Mr. LODGE] on the 18th instant, to report it favorably with two amendments, and I ask for its present consideration.

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

Resolved, That the Committee on the Philippines be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed and indexed for the use of the committee, and that such stenographer and indexer be paid out of the contingent fund of the Senate. The committee is also authorized to sit during the sessions of the Senate.

The amendments of the committee were, in line 5, after the word "printed," to strike out the words "and indexed;" and in line 6, after the word "stenographer," to strike out the words "and indexer."

The amendments were agreed to.

The resolution as amended was agreed to.

CONCESSIONARY CONTRACTS IN THE PHILIPPINES.

Mr. LODGE. From the Committee on the Philippines I report back the letter of the Secretary of War, transmitting a copy of the original invitation for proposals or bids for concessionary contracts for the construction of certain proposed railway lines in the Philippine Islands, etc., asked by a Senate resolution and referred to the committee without printing. I move that it be printed as a Senate document.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 3434) granting an increase of pension to Charles M. Canfield; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3435) granting an increase of pension to Rowland Saunders; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3436) to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee of the United States in connection with the St. Marys Falls Ship Canal; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. FULTON introduced a bill (S. 3437) to authorize the sale of certain lands within the Siletz Indian Reservation, Oreg.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3438) granting an increase of pension to Annie Ports; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3439) to carry out the findings of the Court of Claims in the case of James H. Dennis;

A bill (S. 3440) for the relief of the trustees of the Cumberland Presbyterian Church, of Russellville, Ky.; and

A bill (S. 3441) for the relief of W. R. Austin & Co.

Mr. BLACKBURN introduced a bill (S. 3442) granting a pension to Angelline Wilkerson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced the followings bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3443) granting an increase of pension to Frisby D. Hutchinson;

A bill (S. 3444) granting an increase of pension to Emily M. J. Cooley;

A bill (S. 3445) granting an increase of pension to John W. Chapman; and

A bill (S. 3446) granting an increase of pension to Anna M. Woodbury.

Mr. TELLER introduced a bill (S. 3447) for the relief of Samuel Tomlinson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3448) for the relief of the heirs of Allison Nailor, sr., deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3449) for the improvement of Twentieth street NE. from Franklin to Evarts street and Evarts street from Twentieth street to Mills avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WARNER introduced a bill (S. 3450) for the relief of James N. Bowles; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3451) for the relief of Francis O'Bannon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3452) granting a pension to Nathan P. Jackson;

A bill (S. 3453) granting an increase of pension to John F. Cluley;

A bill (S. 3454) granting an increase of pension to William Wilson;

A bill (S. 3455) granting an increase of pension to Mary A. Langston;

A bill (S. 3456) granting an increase of pension to Thomas Hudson;

A bill (S. 3457) granting an increase of pension to James M. Younger;

A bill (S. 3458) granting an increase of pension to Thomas M. Skaggs;

A bill (S. 3459) granting an increase of pension to Philip C. Cooter; and

A bill (S. 3460) granting an increase of pension to John C. Cahill.

Mr. MALLORY introduced a bill (S. 3461) granting a pension to Helen L. Woodward; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 3462) for the relief of James M. Schilling; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3463) for the relief of the estate of Oneziphore Delahoussaye, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 3464) granting a pension to Lavina Roach, now Frederick; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3465) granting an increase of pension to John T. Vincent; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3466) granting an increase of pension to Julia A. Daily; which was read twice by its title, and referred to the Commitee on Pensions.

He also introduced a bill (S. 3467) granting an increase of pension to John Welch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3468) granting an increase of pension to Myra R. Daniels; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 3469) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892;" which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3470) granting an increase of pension to Samuel N. Pethick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 3471) granting an increase of pension to George Drake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3472) granting an increase of

pension to Lena Sherman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3473) granting an increase of pension to La Forrest C. Darling; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3474) granting an increase of pension to James B. Kellogg; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3475) granting an increase of pension to Everett S. Fitch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3476) granting a pension to George Hutton;

A bill (S. 3477) granting a pension to George W. Bannon;

A bill (S. 3478) granting a pension to John M. Honington; and

A bill (S. 3479) granting an increase of pension to William S. Kingsley.

Mr. ALGER introduced a bill (S. 3480) to correct the military record of Henri D. Cutting; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 3481) for the relief of Snare & Triest; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3482) to provide for the paving of a portion of Florida avenue between P and Q streets NW., city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3483) granting an increase of pension to William L. Sheaff; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3484) granting an increase of pension to Jacob A. Field; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3485) granting an increase of pension to Mathias Hammes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3486) granting an increase of pension to Edwin D. Wescott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3487) granting an increase of pension to Joseph Fuller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 3488) to provide American registers for the steamers *Marie* and *Success;* which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3489) to refund duties paid by the State of New York on arms imported in 1863; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3490) granting a pension to David King (with an accompanying paper);

A bill (S. 3491) granting a pension to George W. Cook;

A bill (S. 3492) granting an increase of pension to Catharine Bechtol (with accompanying papers);

A bill (S. 3493) granting an increase of pension to Thomas Reed;

A bill (S. 3494) granting an increase of pension to Thomas Reed;

A bill (S. 3495) granting a pension to Joseph H. H. Boucher (with accampanying papers);

A bill (S. 3496) granting a pension to Thomas F. Hebb;

A bill (S. 3497) granting a pension to John F. Turner; and

A bill (S. 3498) for the further relief of the infant heirs of Hiram Young, deceased (with accompanying papers).

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3499) referring to the Court of Claims the claim of the legal heirs of Sydney W. Moss, deceased, for certain lots taken by the Government for military purposes in what is now the State of Washington;

A bill (S. 3500) for the relief of Mrs. C. A. Grose (with accompanying papers);

A bill (S. 3501) for the relief of T. J. Coagar; and

A bill (S. 3502) for the relief of Joseph Loudermilk.

Mr. ELKINS introduced a bill (S. 3503) authorizing a public building at Elkins, W. Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3504) for the establishment of a national park and forest reserve in the Appalachian Mountains; and to provide for the conservation of the water that flows down the Potomac watershed, and to provide laws for its sanitary policing, and so forth; to include all parts of the States of West Virginia, Pennsylvania, Maryland, Virginia, and the District of Columbia that contribute to form the complete watershed of the Potomac River from its head to and including the District of Columbia, and for the primary purposes of providing a sufficient and pure water supply for the District of Columbia; to prevent overflows and denudation of soil; for the establishment of reservoirs, canals, lakes, ponds, and ditches, and for all other useful purposes to which water can be put when provided in abundance; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3505) for the preparation of a railroad map of the United States; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. PLATT introduced a bill (S. 3506) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3507) granting an increase of pension to Isaac Van Valkenburg; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3508) granting a pension to Mary J. Visscher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3509) for the relief of Charles Backman;

A bill (S. 3510) for the relief of John M. Jamieson;

A bill (S. 3511) for the relief of Robert Tillson & Co., a partnership composed of Robert Tillson and Maitland Boon;

A bill (S. 3512) for the relief of Charles Uerkvitz; and

A bill (S. 3513) for the relief of Emile M. Blum.

Mr. PLATT introduced a bill (S. 3514) to amend section 842 of the Revised Statutes of the United States; which was read twice by its title, and, with accompanying papers, referred to the Committee on the Judiciary.

He also introduced a bill (S. 3515) to apply the terms of the Navy Department circular of July 23, 1903, to John L. Coburg, pay clerk, United States Navy; which was read twice by its title, and, with accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3516) authorizing the appointment of Capt. Theodore Frederick Kane, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BEVERIDGE introduced a bill (S. 3517) to establish a court of patent appeals; which was read twice by its title, and referred to the Committee on Patents.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3518) granting an increase of pension to Charles S. Parrish; and

A bill (S. 3519) granting an increase of pension to Anslem Hobbs.

Mr. LODGE introduced a bill (S. 3520) granting a pension to Ada A. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 3521) to correct the military record of Thomas J. Morris; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. NELSON introdued a bill (S. 3522) 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," approved January 27, 1905; which was read twice by its title, and referred to the Committee on Territories.

He also (by request) introduced a bill (S. 3523) to provide for the collection of wages in the district of Alaska; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3524) granting a pension to John

N. Henry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3525) granting an increase of pension Robert G. Harrison;

A bill (S. 3526) granting an increase of pension to Peter Maus;

A bill (S. 3527) granting an increase of pension to Samuel S. Watson;

A bill (S. 3528) granting an increase of pension to George T. Lowe;

A bill (S. 3529) granting an increase of pension to James Harrell; and

A bill (S. 3530) granting an increase of pension to Thomas Fisher.

Mr. HANSBROUGH introduced a bill (S. 3531) to restore to the public domain a portion of the Fort Berthold Indian Reservation, in the State of North Dakota, reserved by Executive order, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3532) granting an increase of pension to Anna K. Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 3533) granting a pension to Michael Maloney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3534) granting a pension to Jesse H. Arnold; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 3535) to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army, and place him on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3536) for the relief of Simon M. Preston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3537) granting an increase of pension to Anthony W. Presley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3538) granting an increase of pension to Francis M. Munson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GEARIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3539) granting an increase of pension to Dominick Cavanagh;

A bill (S. 3540) granting an increase of pension to John Hughes; and

A bill (S. 3541) granting an increase of pension to L. B. Rowland.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3542) for the relief of John L. Brown and the estates of A. T. Redditt and William G. Judkins;

A bill (S. 3543) for the relief of the estate of John T. Bynum, deceased;

A bill (S. 3544) for the relief of the estate of Joseph Barrett, deceased;

A bill (S. 3545) for the relief of the estate of Richard A. Bynum, deceased; and

A bill (S. 3546) for the relief of T. H. B. Myers, surviving partner of John Myers & Son.

Mr. OVERMAN introduced a bill (S. 3547) granting an increase of pension to Stephen M. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3548) granting an increase of pension to William E. Henry; which was read twice by its title, and, with the acompanying paper, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 3549) granting an increase of pension to Martha H. Ten Eyck; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3550) granting an increase of pension to Catharine Wightman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3551) granting an increase of pension to Solomon Jackson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BRANDEGEE introduced a bill (S. 3552) granting an increase of pension to Joseph P. Wilcox; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3553) granting an increase of pension to William Oliver;

A bill (S. 3554) granting an increase of pension to Robert McClure; and

A bill (S. 3555) granting a pension to Alice A. Fray.

Mr. BRANDEGEE introduced a bill (S. 3556) to correct the military record of Charles H. Brown; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULBERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3557) for the relief of the legal representatives of Dr. Thomas B. Waters, deceased; and

A bill (S. 3558) for the relief of the legal representatives of Jonathan Holmes, deceased.

Mr. MORGAN introduced a bill (S. 3559) for the relief of Willie Anna Hobgood; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3560) for the relief of the congregation of the Christian Church of Acworth, Ga.;

A bill (S. 3561) for the relief of the trustees of the Missionary Baptist Church, at Powder Springs, Ga.; and

A bill (S. 3562) for the relief of the trustees of the Methodist Episcopal Church South, at Powder Springs, Ga.

Mr. BURKETT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3563) granting an increase of pension to Orrin D. Sisco;

A bill (S. 3564) granting an increase of pension to Benjamin F. Dodd;

A bill (S. 3565) granting an increase of pension to Andrew J. Snowden;

A bill (S. 3566) granting an increase of pension to John Carpenter (with accompanying papers); and

A bill (S. 3567) granting an increase of pension to Charles I. Krickbaum (with an accompanying paper).

Mr. GALLINGER introduced a bill (S. 3568) to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCREARY introduced a bill (S. 3569) to correct the military record of Robert N. Moore; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3570) granting an increase of pension to Seldon R. Sanders; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3571) granting an increase of pension to William Geer; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3572) to authorize the payment of prize money to the captors of the steamboat *New Era No. 5* and cargo; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER (by request) introduced a joint resolution (S. R. 21) for the relief of Daniel B. Watts; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BEVERIDGE introduced a joint resolution (S. R. 22) authorizing assignments of pay and reimbursements for expenses incurred by employees in the Alaskan school service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McENERY submitted an amendment proposing to appropriate $215,820.89 to pay the Citizens' Bank of Louisiana the sum found due it by the Court of Claims, etc., intended to be proposed by him to the urgent deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to ap-

propriate $35,000 to provide for filling in the United States quarantine station at Honolulu, Hawaii, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate $3,500 for the Asylum for Insane Indians at Canton, S. Dak., etc., intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to pay John H. Roberts $843.60 out of any balance remaining to the credit of the appropriation "Indian School, Flandreau, S. Dak., 1904," for net beef furnished that school during that fiscal year, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAPP (by request) submitted an amendment authorizing the issuance of a patent under the general allotment act to Ignas, a grandson of Doc Jim, for certain land in the State of Washington, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also (by request) submitted an amendment proposing to appropriate $9,500 for completing the surveys on the Standing Rock Indian Reservation in North Dakota, and for expenses in connection therewith in the office of the surveyor-general for North Dakota, intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS—THOMAS H. CARPENTER.

On motion of Mr. HANSBROUGH, it was

Ordered, That the papers in the case of Thomas H. Carpenter, late captain and brevet major, United States Army, retired, be withdrawn from the files of the Senate, there having been no adverse report thereon.

REPORT ON THE MERCHANT MARINE.

Mr. GALLINGER. Report No. 10, being the report from the Committee on Commerce on the so-called "shipping bill," is completely exhausted, and there are a great many calls for it. I ask that 5,000 copies may be printed for the use of the document room, adding one paper to it, "The Army's need of merchant steamships as transports in war." I ask that it be amended to that extent and that 5,000 additional copies be printed for the use of the Senate document room.

The VICE-PRESIDENT. The Senator from New Hampshire asks that 5,000 copies of Senate Report No. 10, Fifty-ninth Congress, first session, Development of the American Merchant Marine and American Commerce, together with a certain appendix thereto, be printed.

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

Ordered, That 5,000 additional copies of Senate Report No. 10, Fifty-ninth Congress, first session, to accompany the bill S. 529 (Development of the American Merchant Marine and American Commerce), with additional matter as Appendix B, be printed for the use of the Senate document room.

REPORT OF COMMISSIONER OF EDUCATION FOR PORTO RICO.

On motion of Mr. GALLINGER, it was

Ordered, That the Secretary of the Senate be directed to take from the files of the Senate the original manuscript of the report of the commissioner of education for Porto Rico for the year ended June 30, 1905, and return the same to the Department of the Interior for the files of that Department, said report having been printed as Senate Document No. 60, Fifty-ninth Congress, first session.

ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY.

On motion of Mr. LONG, it was

Ordered, That 1,000 copies of Senate Document No. 140, Fifty-ninth Congress, Departure from Published Rates by the Atchison, Topeka and Santa Fe Railway Company, etc., be printed for the use of the Senate document room.

REVENUE-CUTTER SERVICE ON PUGET SOUND.

Mr. NELSON. I move that the bill (S. 954) to promote the efficiency of the Revenue-Cutter Service be recommitted to the Committee on Commerce.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 3127. An act providing for the holding of Federal court at Grand Island, Nebr., was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 5976. An act to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 7085. An act authorizing the Pea River Power Company to erect a dam in Coffee County, Ala., was read twice by its title, and referred to the Committee on Commerce.

CLAIMS OF STATE OF MISSOURI.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 567) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent for the present consideration of the bill named by him, which will be read for the information of the Senate.

The bill was read.

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

Mr. ALDRICH. I ask that that bill may go over, Mr. President.

The VICE-PRESIDENT. Under objection, the bill will go over.

PUBLIC BUILDING AT BOISE, IDAHO.

Mr. HEYBURN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 1365) providing for the placing of an elevator in the public building at Boise, Idaho.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. KEAN. I trust we shall be allowed to complete the morning business, Mr. President.

The VICE-PRESIDENT. There is objection to the request of the Senator from Idaho.

Mr. ALDRICH. Mr. President, I ask what is the regular order of business at this time?

The VICE-PRESIDENT. The introduction of resolutions, concurrent and other, is now in order.

HARBOR OF REFUGE AT POINT JUDITH, RHODE ISLAND.

Mr. ALDRICH submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to inform the Senate whether changed conditions necessitate a change of project for the main breakwater of the harbor of refuge at Point Judith, Rhode Island, and if so, to submit plans and estimates for such revised project.

DOCUMENTARY HISTORY OF THE CONSTITUTION, ETC.

Mr. WETMORE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the concurrent resolutions passed February 9, 1901, and May 10, 1902, providing for the publication of the Documentary History of the Constitution, and the Bulletins of the Bureau of Rolls and Library of the Department of State, are hereby continued in force, and excepted from the limitation of one year, as provided in section 80 of the act of January 12, 1895, for the public printing and binding and the distribution of public documents.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the morning business is closed.

Mr. CLAY. Mr. President, I ask that the resolution which I introduced some days since may be laid before the Senate and read.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Georgia [Mr. CLAY] on the 18th instant, which will be read.

The Secretary read the resolution, as follows:

Resolved, That in the opinion of the Senate there is a governmental power to fix minimum future charges of carriers by railroad, vested in the legislatures of the States with regard to transportation exclusively within the States, and vested in Congress with regard to all other transportation.

2. Although legislative power, properly speaking, can not be delegated, the lawmaking body having enacted into law the standard of charges which shall control, may intrust to an administrative body not exercising in the true sense judicial power the duty to fix rates in conformity with that standard.

3. It is the duty of Congress to provide by law that all interstate rates shall be reasonable and just, and then to delegate to the Interstate Commerce Commission the power to ascertain what rates are reasonable and just, and to enforce its findings, this power to be exercised in reviewing rates already put in operation by the roads and on complaint.

Mr. CLAY. Mr. President, the CONGRESSIONAL RECORD of December 11, 1905, shows the following colloquy to have taken place on the floor of the Senate:

Mr. CLAY. Mr. President, will the Senator from Ohio allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. CLAY. Did I understand the Senator to say that Congress has the power to make rates and that Congress can not delegate that power to the Interstate Commerce Commission?

Mr. FORAKER. What I said was that a great many very excellent lawyers are of the opinion that Congress itself does not have the power to make specific rates. About that I will express no opinion. It may be they are in error. But what I said—and as to this I have no doubt whatever in my mind—was that Congress has no power to delegate to a commission, except in an administrative way, authority to make rates, because that is a delegation of legislative power pure and simple,

and you can not find a rule in any of the books or in any of the decisions that will uphold it.

Mr. CLAY. I think I understand the Senator. The Senator, then, denies to Congress the power so to amend the interstate-commerce law as to permit the Interstate Commerce Commission to hear complaints as to whether or not rates are unjust and unreasonable, and if it finds they are, to reduce them. The Senator contends that Congress can not delegate to the Interstate Commerce Commission that power?

Mr. FORAKER. Yes. I contend that the delegation of legislative power—I am not undertaking to specify it, but as a general proposition—is prohibited.

Mr. CLAY. I also understand the Senator to say that at present the subject of rebates has been dealt with, and I agree with him.

Mr. FORAKER. Yes.

Mr. CLAY. And so with discriminations. The long and short haul clause of the interstate-commerce act is practically a nullity now under the decisions of our courts, and I understand the Senator to contend that Congress can not go any further than we have gone so far as concerns giving the Interstate Commerce Commission the power to prescribe and fix rates.

Mr. FORAKER. I do. I am opposed to giving the Interstate Commerce Commission the power to fix rates as a matter of policy. I am opposed to it as a matter of power, except in a purely administrative way.

Mr. CLAY. I will say that I do not agree with the Senator from Ohio in the position he has taken.

Mr. BAILEY. Mr. President——

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

Mr. FORAKER. Certainly.

Mr. BAILEY. I must have misunderstood the Senator from Ohio, but if I understood him correctly he asserts that when Congress confers upon the Interstate Commerce Commission the power to fix a reasonable rate in substitution for an unreasonable one it delegates to the Interstate Commerce Commission legislative power of Congress, and therefore it is not competent under the Constitution for Congress to pass that kind of a law. Did I understand the Senator to say that?

Mr. FORAKER. That is my opinion if the power be conferred in a legislative way without any qualification whatever, and I see it as plain as a pikestaff.

Mr. BAILEY. Then let me inquire: The Senator from Ohio does not believe that the same reasoning would apply to the commissions created in the several States, which have themselves been authorized not to substitute reasonable for unreasonable rates, but to initiate and fix the rates in the first instance?

Mr. FORAKER. Mr. President, that is a different question, dependent upon the particular legislation and the power that is lodged in the legislative department of the particular State governments; and when the case is presented we will measure it. What I am referring to is the fact that we are authorized by the Constitution to regulate commerce among the States and with foreign nations, and here are a great many good lawyers who think that even Congress has no right to fix the price at which transportation shall be furnished any more than it has a right to fix the sum which the engineers and conductors and other employees of the railroad shall be paid for their services. A great many good lawyers so contend. I say upon that question I express no opinion, but I have been very greatly impressed with some of the arguments which have been made in behalf of that proposition. I have always supposed that under the power to regulate commerce we should have the power to fix rates, but since I have investigated the subject, as I have been trying to do during the past summer, that the Congress has no constitutional power to delegate to a commission the legislative authority to make specific rates.

Mr. President, the language of the Senator from Ohio is easily understood, and if the position taken by the Senator be a sound one in law, then Congress undoubtedly is without power to grant relief in any way whatever to American shippers.

I understood the Senator from Ohio to say, and it may be inferred from what the Senator said, that power was lodged in Congress to regulate interstate commerce and that Congress could pass a law, fixing in the law itself the rate to be charged, but could not give to the Commission the power to hear facts and fix reasonable and just rates.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. With pleasure.

Mr. FORAKER. I interrupt the Senator only to say that he has not correctly stated my view as expressed in the remarks to which he has referred. I did not concede that Congress has the power, even by direct enactment, to fix rates. I said that I was not prepared at that time to express an opinion, that there were many very eminent members of the legal profession who claimed—and with strong argument in support of the claim—that Congress itself had no power under the commerce clause of the Constitution to fix rates, but, assuming for the sake of argument that Congress had the power, my contention was that Congress could not delegate that power, but that in utilizing a commission it must give to it only administrative duties; that if it could confer the power it could be only given as an administrative power.

Mr. CLAY. I think I understood the Senator then, and I think I understand the Senator now. The Senator used this language, and I have the language before me and can not be mistaken about it. The Senator said he had always thought that under the clause giving to Congress the right to regulate interstate commerce, Congress had itself the right to fix rates. That was, I think, the exact language used by the Senator from Ohio; but I have the language before me——

Mr. FORAKER. If the Senator will read another sentence, he will see that I qualified that in the way I have indicated.

Mr. CLAY. The Senator did say that a great many excellent lawyers did not agree with him in that opinion. The Senator said that he had always been of the opinion that this power existed. Of course the Senator may have investigated the question further and changed his views in regard to the matter.

Mr. FORAKER. Mr. President, I do not at this time find just where the Senator from Georgia is reading from the remarks I made on this matter, though I have the RECORD before me. Will the Senator tell me at what point I made the remarks which he has been quoting?

Mr. CLAY. I read from the first part of the remarks of the Senator. He spoke as follows:

> I have always supposed that under the power to regulate commerce we ourselves have the right to fix rates, but I have always been of opinion, and never so clearly as since I have investigated the subject, as I have been trying to do during the past summer, that the Congress has no constitutional power to delegate to a commission the legislative authority to make specific rates.

Those are the exact words of the Senator from Ohio.

Mr. FORAKER. Yes; having reference to what I said earlier, which was—I will try to find it in just a moment——

Mr. CLAY. All right.

Mr. FORAKER. I can not put my eye on it just now, but I will state to the Senator that what I said was just at the very threshold of the discussion was the general question of whether Congress had the power to fix rates at all under the power to regulate commerce——

Mr. CLAY. Mr. President, the argument of the Senator from Ohio denying to Congress the right and power to provide that rates shall be reasonable and just and then to delegate to the Commission the power to find what rates are reasonable and just left the country in a very serious condition. If the Senator says that the power can not be delegated to the Commission and that Congress itself can not exercise that power, then the condition is much more serious.

Mr. DANIEL. Will the Senator from Georgia allow me?

Mr. CLAY. With a great deal of pleasure.

Mr. DANIEL. I do not intend to interrupt the Senator again, but I only wish to ask him a question at this point.

Mr. CLAY. Very well.

Mr. DANIEL. Has not the Supreme Court again and again decided this question?

Mr. CLAY. I think so; but I will again refer to this matter in my argument.

Mr. FORAKER. I could not hear what the Senator from Virginia [Mr. DANIEL] said.

Mr. CLAY. The Senator from Virginia asked me was it not true that time and again this question had been before the supreme courts of the States, and even before the Supreme Court of the United States, and I said I thought it had. I contend that the work performed by the Commission is purely administrative; but when Congress declares that the rates shall be reasonable and just that is the legislative will of Congress; and when Congress fixes the standard it is a question of fact as to what are reasonable and just rates, and this work can be performed by the Commission.

If Congress can not prescribe that interstate freight rates shall be reasonable, just, and impartial, and delegate to the Interstate Commerce Commission the power to hear facts and find out what rates are reasonable and just, so as to carry out the legislative will of Congress, then the railroads can fix rates, either just or unjust, and the American shippers will have nowhere to go to redress their wrongs and secure reasonable and just freight rates. We all know that it will be impossible for Congress to hear the thousands of complaints from citizens who are shippers throughout the length and breadth of the country, and determine what rates are reasonable and just, so as to grant proper and adequate relief to the people. Congress is a large body and could not possibly spare the time to hear these complaints and do justice to the railroads and to the people. In order to appreciate the magnitude of this task, it will be necessary to consider the work heretofore performed by the Interstate Commerce Commission on the line I am now discussing, which work will demonstrate beyond question that Congress could not possibly perform this task. This work has consumed almost the entire time of the Interstate Commerce Commission since its creation by Congress. A critical examination of the reports of the Interstate Commerce Commission will show that 798 formal complaints involving excessive rates were filed by the shippers with the Commission since April 1, 1887, until March 1, 1905, and 493 informal complaints were filed with the Commission alleging excessive or exorbitant rates. The reports of the Interstate Commerce Commission further show that during the same period shippers filed before the Commission 798 formal complaints in which discrimination is alleged and 860 informal complaints

alleging unjust discrimination and other violations of the act to regulate commerce.

These various complaints coming from the shippers involve every possible feature of the act creating the Interstate Commerce Commission and defining its powers and duties, necessarily consuming the entire time of the Interstate Commerce Commission. Who will contend that Congress could have heard these numerous complaints? Think of the time that was necessarily consumed in the examination of pleadings, swearing of witnesses, and finding of facts so necessary to a complete and satisfactory solution of the many complex questions pending before that body. If Congress should remain in session from year to year, devoting its entire time to this work, it would be impossible to pass upon one-twentieth of these various complaints filed by the American shippers against the different railroad systems of our country. I repeat, if Congress can not pass an act providing that all interstate rates shall be reasonable and just, thus fixing a standard and delegating to the Commission the power to hear the facts and carry out the legislative will of Congress, then the American people are at the mercy of the railroads. I have no war to make on railroads. They are necessary to the development of our country and deserve fair, equal, and proper treatment at the hands of Congress. All property of every class—farms, banks, railroads, and merchandise—deserve equal and fair treatment at the hands of Congress. Railroads exercise the right of eminent domain. They can condemn homes, farms, and other property for the purpose of operating their lines, and this is proper. These corporations receive this power from the State, and I do not complain of it, for such power is necessary for the development of our country. Almost the entire time of the Commission has been consumed in hearing complaints and in settling disputes between the shippers and the roads.

Mr. ALDRICH. Will the Senator from Georgia allow me?

Mr. CLAY. Certainly.

Mr. ALDRICH. If the power to fix rates were given to the Commission, does the Senator think the number of complaints would increase or decrease?

Mr. CLAY. I desire to say to the Senator that for ten years the Interstate Commerce Commission exercised the power to hear complaints, to hear facts, and to pass upon whether or not rates were reasonable and just, and if the Senator will examine the reports of the Commission he will find that in most of the instances the cases were settled because the roads thought the Commission had the right to make rates.

In my opinion, if that power was delegated to the Commission a majority of the disputes between shippers and the roads would be settled by the shippers and the roads without ever going to the Commission. In my opinion, the Senator would find that the complaints would diminish instead of increase.

I do not insist that the power shall be given to the Interstate Commerce Commission to originate and fix all interstate rates. That would be a herculean task, and it is extremely doubtful if any seven or eight men could get together and perform it. It would require experts. But what I insist upon is that the Interstate Commerce Commission shall have the right to hear the complaint of the citizen; that the shipper shall have a tribunal where he can go and make his complaint, present his grievance, and have a redress of his wrongs. Otherwise the railroads can fix any rate they see fit and proper, and the shipper is at the mercy of the roads because there is nowhere for the shipper to go for redress.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. With pleasure.

Mr. ALDRICH. Are not the courts of the United States open to the shippers——

Mr. CLAY. Yes.

Mr. ALDRICH. With absolute power in the courts to enforce their decrees?

Mr. CLAY. I wish to say to the Senator that under the common law where unreasonable rates are fixed, the shipper can go into the courts and file a bill asking that those rates be enjoined; but I say to the Senator that the man of ordinary means can not afford the great expense of going into the courts and litigating with the railroads. I think there ought to be a body where, without expense to the shipper, these questions can be settled and determined.

Mr. ALDRICH. Several of the bills now pending before the Committee on Interstate Commerce provide that it shall be done at the expense of the United States.

Mr. CLAY. I can not understand why some Senators are in favor of giving this power to the courts and not giving it to the Interstate Commerce Commission. I give it as my opinion that the courts can have nothing to do with this question, except to determine whether or not a rate is unreasonable, when an application for an injunction is filed before them. I do not believe that the courts have the right and power to go into the question as to what the future rate shall be. In fact, that question has been passed upon by the courts.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. With pleasure.

Mr. FORAKER. I could not find, some moments ago when the Senator and I were having a colloquy, the remarks I referred to. I now have them, and quote as follows. In answer to what the Senator from Georgia [Mr. CLAY] had said, I stated:

> What I said was that a great many very excellent lawyers are of the opinion that Congress itself does not have the power to make specific rates. About that I will express no opinion. It may be they are in error.

Then I went on to discuss the question of delegating powers. But that is what I said explicitly.

Mr. CLAY. That is true.

Mr. FORAKER. I did not concede it. I said I would not go further than merely to call attention to the fact.

Mr. CLAY. It is true the Senator used that language, but he also used the language I have just quoted.

Mr. FORAKER. But, as I said, I used that language with reference to the language I had used in the colloquy with some Senator.

Mr. CLAY. It is immaterial——

Mr. FORAKER. It may be immaterial to the Senator——

Mr. CLAY. I mean no disrespect to the Senator from Ohio—not the slightest.

Mr. FORAKER. It may be immaterial to the Senator from Georgia, but not to me, for if I can not do anything more about this rate question, I will endeavor to keep the record straight.

Mr. CLAY. I hope the Senator will keep his record straight.

Mr. FORAKER. I will do so if I can get the attention of the Senate.

Mr. CLAY. If Congress can not exercise this power through a commission, then I am at a loss to know how the people can expect proper relief. I rose, however, not for the purpose of discussing this question in a general way, but solely for the purpose of taking issue with the Senator from Ohio, denying to Congress the power to legislate that all rates shall be reasonable and just, thus fixing a standard, and then delegating to the Interstate Commerce Commission the power to carry out the legislative will of Congress—to hear facts and ascertain what rates are reasonable and just—acting purely in an administrative capacity, carrying out the legislative will of Congress. The Senator is an able lawyer, and I have great respect for his legal opinions, but if the Senator has produced any authority except his own legal opinion on this subject, then such authority has escaped my attention. I do not think this an open question. I have never heard this authority seriously questioned until during this session of Congress. Let us see if it is an open question. We know that this is a very important question. The Senator from Ohio contends that Congress must hear the complaints of the shippers and must prescribe specifically in the law the maximum rates to be observed in the future.

As I have said before, we know that the large membership of Congress, with other important and legislative duties to perform, makes it almost impossible for Congress to meet and discharge such duties so largely administrative as those of fixing and enforcing freight rates. An examination of the laws of many of the States will show that the legislatures of different States have simply provided by statute that freight rates shall be reasonable and just, and have created by law State commissions, consisting of three or five members, to which was delegated the powers of supervision, the duty to hear complaints from shippers, and the power to fix rates in conformity with the law as fixed by the different legislatures. Such commissions are simply carrying out the legislative will and are acting purely in an administrative capacity. The constitutionality of the granting of such power has been passed upon by the courts time and again and always upheld. In these very cases it was claimed that the legislative power must be exercised by the legislature itself and could not be delegated to any other body, but the courts have uniformly held that where the legislature enacted that rates shall be reasonable and just, the duty of executing this law and of finding what rates are reasonable and just may be delegated to a commission, and that a grant of such power is not a delegation of legislative authority. If such laws, enacted by the legislatures of different States, have been sustained as constitutional, why can not

Congress enact that all interstate freight rates shall be reasonable and just, and leave to the Interstate Commerce Commission the right and power to investigate and find out what rate will be a proper one, what rate will be just and impartial as between the shippers and the roads?

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. CLAY. Certainly.

Mr. ALDRICH. Does the Senator think that if Congress should give to the Commission the power to fix rates, as he desires, it would take away from the courts their right of control over the citizens' property which the Constitution has given them?

Mr. CLAY. I do not.

Mr. ALDRICH. Would it diminish it in any form?

Mr. CLAY. If Congress should authorize the Commission to hear the facts and fix a rate that is reasonable and just, and if the Commission, instead of doing that, should put in operation a rate that is confiscatory, under the Constitution of the United States the railroads would have the right to go into the courts to test that question.

Mr. ALDRICH. Suppose they were to put in operation a rate that was unreasonable and unjust?

Mr. CLAY. Then I say that that question has been passed upon by our courts, and our courts have held that they can not put into operation unreasonable rates.

Mr. ALDRICH. I am not talking about putting rates in operation, but if we delegate to a subordinate tribunal this power, do you not take away from the courts their power?

Mr. CLAY. If we give to the Commission the power to fix rates in conformity to the law of Congress, then I would say that notwithstanding that fact the courts would still be open to the shippers and the roads to determine whether or not the Commission is carrying out the legislative will of Congress. Congress could not, in my opinion, pass a law that gave the Commission the power to fix a rate and prevent the courts from hearing the question in the event that the rate fixed was confiscatory. That question has been decided by our courts time and again.

Mr. ELKINS. May I ask the Senator from Georgia a question?

Mr. CLAY. With pleasure.

Mr. ELKINS. Suppose, however, that the rate as fixed by the Commission is not confiscatory, but is within 1 cent of being confiscatory; then has a stockholder or the railroad company any right of review?

Mr. CLAY. I think that question has been decided.

Mr. ELKINS. Can the Senator point to a decision?

Mr. CLAY. I think I have some decisions here. That is not an open question. When Congress says that the rate must be reasonable and just, that means the road must make operating expenses and a fair remuneration on the money invested in the road. It does not mean that the road shall simply make expenses. No sensible man would insist that the railroads shall simply make operating expenses. They ought to give rates that are reasonable and just to the shipper and to themselves, and that is all that we on this side of the Chamber ask.

Mr. ELKINS. If Congress delegates to a subordinate tribunal its legislative discretion to fix a rate, and the tribunal does it, can the court review that question and decide it, outside of the question as to its being a confiscatory rate?

Mr. CLAY. It can; it has been done time and again. I want to call attention——

Mr. ELKINS. If the Senator will allow me——

Mr. CLAY. I wish to call the attention of the Senator to a case in 116 United States Reports——

Mr. ELKINS. What is the case?

Mr. CLAY. It is the case of Stone *v.* Farmers' Loan and Trust Company. The Senator will find in that case that this question was also discussed.

The legislature of the State of Mississippi created a commission and defined its powers and its duties, and the commission fixed a rate. The roads insisted that the rate was unreasonable, that it was not remunerative, and the courts of Mississippi decided against the railroads. The case went to the Supreme Court of the United States, and the court held that the rate was unreasonable, and reversed the case.

Mr. ELKINS. Yes; but let me suggest to the Senator, if he will pardon me for interrupting him for just a moment——

Mr. CLAY. Certainly.

Mr. ELKINS. If the State of Mississippi, a sovereign State, can do that——

Mr. FORAKER. Senators on this side of the Chamber can not hear the Senator from West Virginia.

Mr. ELKINS. I suggest to the Senator from Georgia that what the sovereign State of Mississippi can do in the matter of rates is no standard by which to determine what the Congress of the United States can do.

Mr. CLAY. I wish to call the attention of the Senator——

Mr. ELKINS. I know the decision, and the Senator has quoted it correctly. The court decided under the law of the State what the State could do; but when you come to the General Government, which is a government of enumerated powers, and Congress undertakes to confer rights upon a subordinate tribunal, and Congress delegates its rights or its authority, if it can do it, to this tribunal, then can a court review that action if it is not confiscatory? In other words, when Congress says the subordinate tribunal shall fix a rate, say, at 50 cents, can any court review its action?

Mr. CLAY. Certainly.

Mr. ELKINS. Let me ask the Senator a question.

Mr. CLAY. I want to read to the Senator from the Mississippi case to which he has referred. That case went to the Supreme Court of the United States on some clause of the Constitution of the United States. It went to the Supreme Court on the ground that the commission had fixed a rate which was unreasonable and in violation of the Constitution of the United States, which says property shall not be taken without due process of law, and in my opinion if Congress itself should fix a rate that was unreasonable, that was confiscatory, that rate would be in violation of the clause of the Constitution to which I refer, and the courts would set aside the act of Congress beyond any question. Congress has to legislate in pursuance of the Constitution of the United States and the legislatures of the States have to legislate in pursuance of the Constitution of the United States. The legislatures of the States are bound by the constitutions of the respective States and the Constitution of the United States.

I rose, however, solely for the purpose of presenting authorities showing that Congress can, in a general way, prescribe a standard providing that all rates shall be reasonable and just and then leaving to the Commission the power to find what rates are reasonable and just and then to enforce its findings.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. CLAY. With pleasure.

Mr. FULTON. As I understand the question of the Senator from West Virginia it is this: Assuming that the Commission shall fix a rate which is not confiscatory nor unreasonable because it is too low, but unreasonable from the standpoint of the shipper because it is too high, the Commission having fixed that rate, if I understand the question of the Senator from West Virginia, can the shipper go into court and invoke the aid of the court to revise and review it?

Mr. CLAY. I will have to ask the Senator from Oregon to restate his question. My attention was diverted for the moment.

Mr. FULTON. I will state it again. We will assume that the Commission is granted power to prescribe rates; that it fixes a rate in a given case which is not confiscatory, which is not too low, but which is still open to the objection of not being a reasonable rate because it is too high, because it is an unreasonable rate. Nevertheless it has been fixed by the Commission. Can a shipper then go into court and complain of that rate and have a remedy in court, or is he bound by the rate fixed by the Commission? I think the question is a very interesting one.

Mr. CLAY. Congress empowers the Commission to fix rates that are reasonable and just. If the Commission fixes a rate that is confiscatory, too low, the Commission violates the legislative will of Congress.

Mr. FULTON. Yes; everybody agrees——

Mr. CLAY. Now, one moment. And then the road, if the rate is too low and is confiscatory, could go into the courts and enjoin it. If, on the contrary, the Commission fixed a rate that was too high and violated the legislative will of Congress, then the common-law right of the citizen would not be destroyed. In my opinion, he could go into the courts and file his bill and ask that the rate be enjoined because it was too high.

Mr. ELKINS. Now, let me ask the Senator——

Mr. FORAKER. The Senator from Georgia referred to me a moment ago——

Mr. CLAY. If the Senator from Ohio wishes to ask me a question I will yield.

Mr. FORAKER. I dislike to interrupt the Senator from Georgia so often——

Mr. CLAY. That is all right.

Mr. FORAKER. And I will not do it unless it is entirely agreeable.

Mr. CLAY. It is entirely satisfactory.

Mr. FORAKER. He appealed to me in connection with a case coming up from the State of Mississippi. I understood the Senator to say that it was held in that case by the supreme court of the State of Mississippi that the legislature had power to delegate its legislative authority to a commission which it had created to make rates, and that the commission had made rates, and that the action was sustained by the supreme court of the State and also by the Supreme Court of the United States.

That was a very different case from what would be inferred from the Senator's statement, if I have correctly repeated it. In that case the rates fixed by the commission had not been put into operation, and that was a suit brought to enjoin the enforcement of the statute, so that no particular rates were before the court. The general question before the court, so far as it had any relevancy here, was whether or not the act of the legislature of the State of Mississippi in creating a railroad commission and giving it a supervisory power over railroads in the way indicated, was in conflict with the constitution of the State of Mississippi. The supreme court of the State of Mississippi held that the act was not in conflict with the constitution of that State, and the Supreme Court of the United States agreed with the supreme court of the State of Mississippi. But, why? Because of the character of the constitution of Mississippi, which is very brief on that point, and with the Senator's permission I will read it. I read from the constitution of the State of Mississippi, as follows:

SEC. 186. The legislature shall pass laws to prevent abuses, unjust discrimination, and extortion in all charges of express, telephone, sleeping-car, telegraph, and railroad companies, and shall enact laws for the supervision of railroads, express, telephone, telegraph, sleeping-car companies and other common carriers in this State, by commission or otherwise——

Mr. CLAY. Right here——

Mr. FORAKER. In one moment [reading]——

and shall provide adequate penalties to the extent, if necessary for that purpose, of forfeiture of their franchises.

All that the Supreme Court held was that that act was not in conflict with the constitution of the State of Mississippi.

Mr. CLAY. Will the Senator from Ohio permit me to make an observation right here?

Mr. FORAKER. Certainly.

Mr. CLAY. The Senator reads from the constitution adopted November 1, 1890. The Senator will find that the law creating a railroad commission for the State of Mississippi and defining its power was passed in 1884. The Senator will find also—I interrupt him with his permission—that Mississippi adopted a constitution in 1868, and Mississippi amended her constitution in 1876. If there is any provision either in the constitution of 1868 or the amendments thereto providing that the regulation of freight rates shall be by commission or otherwise, I have not been able to find it. Consequently the clause which the Senator from Ohio read could not have any reference to the point now in question.

Mr. FORAKER. In making the citation I have I may be in error as to the date.

Mr. CLAY. I have the constitution of the State of Mississippi before me——

Mr. FORAKER. If so, of course, I withdraw that point. But the citation to the constitution of the State of Mississippi was given me along with others, and it was given me as adopted at a date which antedated that legislation.

Mr. CLAY. I have the case before me, and I will send it to the Senator.

Mr. FORAKER. If the Senator will allow me, quite aside from that, there is no holding by the Supreme Court here that a commission created in the way this would have to be, if there were no constitutional provisions on the subject, would have power to receive a delegation of power of the character provided.

Mr. CLAY. I must return to the authorities I was discussing. The legislature of Mississippi created a railroad commission and conferred upon it the power to fix and enforce rates for transportation of every kind within that State. The law of that State declared the rule by which the commission was to be guided—that the rate must be just and not discriminatory. This was the legislative will. The commission was empowered to find what rate would be just and nondiscriminatory. This was purely administrative and not legislative work. The point was made and argued with ability before the supreme court of Mississippi that the act conferred both legislative and judicial power on the commission and was repugnant to the constitution of Mississippi. The supreme court of Mississippi sustained the delegation of this power. The Supreme Court of the United States sustained the same contention. Mr. Justice Brewer used the following language in delivering the opinion of the court:

There can be no doubt of the general power of a State to regulate the fares and freights which may be charged and received by railroads and other carriers and that this regulation can be carried on by a commission. Such a commission is merely an administrative body created by a State for carrying into effect the will of a State as expressed by its legislature.

No valid objection, therefore, can be made on account of the general features of this act—those by which the State has created the railroad commission and intrusted it with the duty of prescribing rates of fares and freights, as well as other regulations for the management of the railroads of the State. This case clearly affirms the right of a State legislature to confer the power upon a State commission to make rates within a State. Then why can not Congress confer the same upon the Interstate Commerce Commission over interstate transportation? (See also case of Reagan *v.* Farmers' Loan and Trust Company, 154 U. S., 362.)

Mr. ELKINS. Before the Senator from Georgia leaves that question, will he let me ask him a question? I will not interrupt him again.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. CLAY. Certainly.

Mr. ELKINS. Under the power of delegating to a subordinate tribunal authority to fix rates in a merely administrative way or otherwise, after Congress has established a standard, I want to ask the Senator if it is competent to review the action of the Commission as between a confiscatory rate on the one side and an extortionate rate on the other? There is a wide territory between these limitations, and what I want to get from the Senator as a lawyer is his opinion whether, after the delegation of this authority—you may call it the legislative discretion of Congress—to a subordinate tribunal, any court could review the action of the Commission between these two lines.

Mr. CLAY. I think so.

Mr. ELKINS. Then I would like to have the Senator address himself to that question.

Mr. CLAY. I will later on.

Mr. ELKINS. I hold that where the rate fixed by the Commission is within 1 cent of being confiscatory, Congress having delegated its legislative discretion, the courts can not review the action of the Commission.

Mr. CLAY. I will say to the Senator that the Supreme Court, where the legislature of a State provided that the rate fixed by the State commission should be final and conclusive, has held such a provision to be in the teeth of the Constitution of the United States. The Supreme Court of the United States has held that the legislature of a State can not delegate to a commission power to fix a rate that shall be final and conclusive. I think that was decided in a Minnesota case.

Mr. FULTON. Let me ask the Senator if that was not a case in which the court held that the rate was confiscatory. Was not that holding made in a case where the court held that the rate established by the Commission was confiscatory?

If the Senator will allow me, I will just briefly state my position on that point, so that I may not be misunderstood by my question. I believe that where the legislature or the Congress delegates to a commission the power to fix a rate, everybody is bound by that rate unless it be the carrier, which has a right to claim that the rate is confiscatory under the constitutional protection it has that its property shall not be taken without due process of law. But if the commission represents the legislature or Congress and Congress is operating through it, then the rate fixed by it must stand the same as a rate fixed by Congress. If a rate fixed by Congress be a certain amount, or if the Congress establishes a certain rate, surely nobody can complain of that because it is too high, because Congress has a perfect right to allow the carrier to charge any sum it may provide, so long as it is not confiscating the property of the carrier. I believe that the whole world except the carrier is bound by the rate, and it is bound by it unless it is confiscatory.

Now, I do not mean that Congress may not provide against such a consequence as that. I believe it can, and I believe that any bill should contain a provision that an individual shipper may come in and prosecute a suit on the ground that the rate is unreasonable as to him. I think such a clause would protect the shipper.

Mr. BAILEY. Will the Senator from Georgia allow me?

Mr. CLAY. Certainly.

Mr. BAILEY. I suggest to the Senator from Oregon and the Senator from West Virginia that the rule in Federal regulation is not necessarily the same as it is in State regulation in that respect. The prohibition upon the State is against depriving "any person of life, liberty, or property without due process of law." When you attack a State enactment, in order to establish its invalidity you must prove that it deprives the carrier of its property without due process of law; and there is, as suggested by the Senator from West Virginia, a very considerable latitude between a rate that might be too low and yet might not deprive a carrier of its property without due process of law and one which would be so low as to deprive the carrier of its

property without due process of law. But when you come to exercise the right of regulation by the Congress, you are not necessarily limited to the prohibition against deprivation without due process of law, because the Federal limitation adds "nor shall private property be taken for public use without just compensation." Therefore when it comes to the Federal law, the test is twofold—that you shall not deprive any man of his property without due process of law nor shall you take it without just compensation.

It is perfectly true that the Supreme Court has on more than one occasion treated the prohibition against taking property without due process of law by the State as including the prohibition against taking it without just compensation; but my own opinion is that the Supreme Court has made that declaration without due consideration of all the clauses in the Constitution. The reason I do not believe that the prohibition against taking without due process of law includes the prohibition against taking without a just compensation is that in the fifth amendment to the Constitution both prohibitions appear. With the permission of the Senator from Georgia, I will read both, and one follows immediately after the other:

Nor shall be—

That is, any person—

be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Now, to my mind it is inconceivable that the wise men who framed this Constitution would have followed the prohibition against taking property without due process of law by another prohibition against taking it without just compensation, if they conceived that the latter was included in the former. Therefore I suggest that while you could only successfully attack a State law upon the allegation and proof that it deprives a carrier of his property without due process of law, yet when you come to Federal regulation a different rule might apply.

Mr. CLAY. Mr. President, I am unable to understand why Senators are so uneasy that this power delegated to the Interstate Commerce Commission will be exercised oppressively. We submit questions of the greatest importance to Congress, to our Supreme Court, to our circuit courts, and to our district courts. Why not presume that the Interstate Commerce Commission, composed of an intelligent and upright body, will decide justly and fairly as between the railroads and the citizens? There seems to be an idea that in every instance the Interstate Commerce Commission will simply decide against the railroads. The presumption is that the Commission will hear the complaints of the shippers in an intelligent and an impartial way, and that the Commission will render a just and righteous decision and do justice to both the railroads and to the citizens.

Mr. President, I say that no one is justified in presuming, because this power is given to the Interstate Commerce Commission, that the power will be exercised wrongfully and oppressively.

I rose for the purpose of arguing the question whether or not Congress could pass a law that all rates shall be reasonable and just, fixing a standard, and then leave to the Commission the power to find the facts and say what rates are reasonable and just. I have no desire to oppress railroads. They deserve at the hands of Congress the same fair treatment that the banker deserves, that the farmer deserves. But ought not some tribunal to have the power to hear the difference between the shippers and the roads and say which is right? Ought the roads to settle the difference between the shippers and themselves? Mr. President, the railroads would not be impartial, and neither would the shipper.

If you leave it to the shipper, in many instances he will want his freight carried for scarcely nothing, and the roads will want to charge him more than what is right and proper. It is just and right that power should be lodged somewhere to try these differences and adjust them between the roads and the shippers.

The right of Congress to confer upon a commission the rate-making power was discussed by the court in the case of the Interstate Commerce Commission *v.* Cincinnati, New Orleans and Texas Pacific Railway Company (167 U. S., 479). It is true that the real question at issue before the court in this case was: Did the act creating the Commission give the power to the Interstate Commerce Commission to hear complaints and prescribe future rates? And the court decided that no such power was given by the law creating the Commission and defining its powers. But Mr. Justice Brewer, in speaking for the court, said:

While the present inquiry is limited to the question as to what Congress determined should be done with reference to the matter of rates, there were three obvious and dissimilar courses open for the consideration of Congress.

First. Congress might itself prescribe the rates.

To this proposition the Senator from Ohio has given his assent.

Second. Or it might submit to some subordinate tribunal this duty, or it might leave with the railroads the right to make the rates.

Mr. Justice Brewer said administrative control over railroads through boards or commissions was no new thing. It has been resorted to in England and in many of the States of the Union.

This subject was again discussed by our Supreme Court in the case of Chicago, etc., Railway Company *v.* Minnesota (134 U. S., 418). The legislature of Minnesota passed an act establishing a railroad commission, giving the commission the power to regulate freight rates in that State, and the act provided that the rates of charges for the transportation of property recommended and published by the commission shall be final and conclusive as to what are equal and reasonable charges, and that there can be no judicial investigation as to the reasonableness of such rates. This law deprived the railroads of the right to go into the courts and test the question as to whether or not the rates fixed were just and reasonable.

If this law had been sustained, the Commission had the power to fix rates that would have been confiscatory, and the roads would have been without remedy. This act was held to be unconstitutional, as depriving the roads of their property. Mr. Justice Blatchford delivered the opinion of the court. Speaking for a majority of the court he affirms the right of Congress to make rates through a commission, and Mr. Justice Miller, in a concurring opinion, affirms such right. Mr. Justice Miller said the power which the legislature has to do this can be exercised through a commission, which it may authorize to act in the matter, such as the one appointed by the legislature of Minnesota by the act now under consideration.

Mr. Justice Bradley delivered a dissenting opinion on the main question, but fully agreed with the majority of the court on the question now under consideration. Mr. Justice Bradley said:

I think it perfectly clear and well settled by the decisions of this court that the legislative branch of the Government might have fixed the rates in question. If it had done so, it would have done it through the aid of committees appointed to investigate the subject, to acquire information, to cite papers, to get all the facts before them, and finally decide and report.

Mr. Justice Bradley said:

No one could have said this was not due process of law. And if the legislature could do this, acting by its committees, I can see no good reason why it might not delegate this duty to a board of commissioners, charged, as the board in this case was, to regulate and fix the charges so as to be equal and reasonable. Such a board—

Said Mr. Justice Bradley—

would have at its hands all the means of getting at the truth and ascertaining the reasonableness of fares and freights which a legislative committee has. It might or might not swear witnesses and examine parties. Its duty being of an administrative character, it would have the widest scope for examination and inquiry.

Mr. Justice Gray and Mr. Justice Lamar concurred in this opinion with Mr. Justice Bradley.

Clearly, to my mind, when Congress declares that all rates shall be reasonable and just and not discriminatory, this is a legislative declaration furnishing all the standard that is required, and then Congress may submit to an executive board the power to determine the actual rates which such standard calls for.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. Certainly.

Mr. FORAKER. I do not wish to interrupt the Senator, but my silence might be taken as either assent or dissent, I presume. I wish to call the Senator's attention to the fact now, so there can not be any mistake in this instance, that the statute under which the court was making this construction did not authorize the commissioners of the State of Minnesota to make rates in the sense in which power was delegated to them of a legislative character. They were authorized when they condemned a rate to ascertain what, in their opinion, would be a reasonable rate to take the place of it, and they were authorized to recommend to the railroad the adoption by the railroad of that rate, and if the railroad did not within ten days adopt the rate thus recommended the commission was given power to go into the court and by a writ of mandamus to compel the railroad to do so, or by a writ of injunction to restrain the railroad from longer charging in excess of that rate. That statute is set out in the margin in 134 United States as the statute before the court.

So whatever may be the fact as to the Mississippi statute being passed before the constitutional amendment or as to its

being adopted before or after the decision of the court, there can not be any mistake about this being the statute that was before the Supreme Court when it made the decision the Senator has referred to. It shows conclusively that the legislature of Minnesota for very wise and conclusive reasons saw fit to avoid conferring upon the commission the power absolutely to fix rates according to any standard. It could recommend the rate and then could go into court.

Mr. CLAY. The position of the Senator does not change the position which I am contending for in the least. I was reading from this decision showing that the court was of the opinion that Congress could delegate to the Commission the power to fix rates.

Mr. FORAKER. But I suppose there will be no difference of opinion about the proposition that the court when it employed that language had reference to the kind of contention that had been made in the case before it. It was of an administrative character purely and simply.

Mr. CLAY. I have read the law as the court announced it. I have simply given the opinion of the court as it was announced. The judge delivering the opinion of the court said in substance that it was administrative work.

Mr. FORAKER. Certainly.

Mr. CLAY. I do not contend that Congress can pass a statute simply saying that the Interstate Commerce Commission can originate and fix rates as it sees proper, without any regard to reasonableness or justice, and that such a law could be enforced. That probably would be delegating to the Interstate Commerce Commission legislative power. But if Congress fixes a standard prescribing what kind of rates the Commission shall fix, then that is an entirely different question.

This subject has been ably discussed by the Attorney-General, the first law officer of our Government, in a letter addressed to Hon. STEPHEN B. ELKINS, chairman of the Interstate Commerce Committee of the United States Senate, of date May 5, 1905. This letter is an exhaustive argument, fully sustaining the views I have thus expressed on this important subject. The Attorney-General sustains this power by a line of authorities that are unanswerable. I read extracts bearing upon this subject:

DEPARTMENT OF JUSTICE, *May 5, 1905.*

Hon. STEPHEN B. ELKINS,
Chairman Committee on Interstate Commerce,
United States Senate.

SIR. I have the honor to acknowledge the receipt of your letter requesting, on behalf of the Senate Committee on Interstate Commerce, my opinion on certain questions of law.

Your letter, supplemented by oral communication, calls upon me to consider the governmental power to regulate the operations of railroads, especially in the respect of fixing rates for transportation, by whom that power, so far as it exists in the National Government, may be exercised constitutionally, and what limits to the power, if any, are prescribed by the Constitution.

After great consideration it was settled in the group of cases commonly called the "Granger cases," that there is a governmental power to regulate the operations of railroads acting as common carriers, and, as a part of such regulation, to prescribe the maximum rates which they may charge in the future for the services which they shall render to those who resort to them, and that the power is vested in, and may be exercised by, the legislative branch of the Government.

Munn *v.* Illinois, 94 U. S., 113.

Chicago, Burlington and Quincy Railroad Company *v.* Iowa, 94 U. S., 155.

Peik *v.* Chicago and Northwestern Railway Company, 94 U. S., 164.

Chicago, Milwaukee and St. Paul Railroad Company *v.* Ackley, 94 U. S., 179.

Winona and St. Peter Railroad Company *v.* Blake, 94 U. S., 180.

Stone *v.* Wisconsin, 94 U. S., 181.

These cases were concerned with the regulation of rates by the legislature of the State for transportation beginning and ending within the State. The principle announced in them was affirmed in Ruggles *v.* Illinois (108 U. S., 526), and Illinois Central Railroad Company *v.* The People of the State of Illinois (108 U. S., 541), has been adopted as the rule of decision in many subsequent opinions of the Supreme Court and of the highest courts of the States, and although originally established over dissent, is now acquiesced in by all as the settled law of the land.

Under the division of the governmental power made by the Constitution of the United States the authority to regulate the charges of railroads, so far as those charges are made for traffic which is exclusively within the States, resides in the legislatures of the States, and so far as they are made for other traffic resides in Congress. (Constitution of the United States, Article I, section 8, paragraph 3.) This division of power is fundamental, has been recognized in all the cases, and is illustrated clearly by both the majority and dissenting opinions in Wabash, St. Louis and Pacific Railway Company *v.* Illinois (118 U. S., 557).

In the earlier cases before the court the legislatures had prescribed specifically in the law the maximum rates to be observed in the future. Legislatures obviously, however, can deal with such questions only in the most general way. Their large and changing membership, infrequent and limited sessions, and procedure designed for legislation rather than administration, were ill adapted to duties so largely administrative as those of fixing and enforcing rates. Laws, therefore, were passed by many of the States enacting that rates should be impartial and reasonable, and creating a small body, often called a "railroad commission," to which was intrusted, among other powers of supervision, the duty of fixing rates in detail in conformity with the rule declared in the law. The constitutionality of the grant of such power to a commission was speedily drawn in question before the courts. It was claimed that the laws violated the well-settled principle that legislative power must be exercised by the legislature itself and can not be delegated to any other body. But the courts have held that where the legislature has enacted that railway rates shall be impartial and reasonable the duty of executing this law and determining the rates for the future in detail in conformity with it may be conferred constitutionally upon an administrative body, and that a grant of such power is not a delegation of the legislative authority. It is sufficient to refer to a few only of the cases which support this view and to say that no case which opposes it has come to my knowledge.

Attorney-General's opinion:

The foregoing cases dealing with the right of State legislatures to establish a rate-making commission, the clear analogy in this respect between their authority and that of Congress, and the case of the Interstate Commerce Commission *v.* Cincinnati, New Orleans and Texas Pacific Railway Company (supra), establish beyond doubt the right of Congress to confer upon an administrative body the power to fix and determine maximum railway rates which shall control in the future by the execution in detail of a general rule enacted into law, as, for example, that the rates shall be just, reasonable, and without discrimination.

The Attorney-General reaches the following conclusions:

1. There is a governmental power to fix the maximum future charges of carriers by railroads vested in the legislatures of the States with regard to transportation exclusively within the States, and vested in Congress with regard to all other transportation.

2. Although legislative power, properly speaking, can not be delegated, the lawmaking body, having enacted into law the standard of charges which shall control, may intrust to an administrative body not exercising in the true sense judicial power the duty to fix rates in conformity with that standard.

3. The rate-making power is not a judicial function and can not be conferred constitutionally upon the courts of the United States, either by way of original or appellate jurisdiction.

4. The courts, however, have the power to investigate any rate or rates fixed by legislative authority and to determine whether they are such as would be confiscatory of the property of the carrier, and if they are judicially found to be confiscatory in their effect to restrain their enforcement.

5. Any law which attempts to deprive the courts of this power is unconstitutional.

6. Any regulation of land transportation, however exercised, would seem to be so indirect in its effect upon the ports that it could not constitute a preference between the ports of different States within the meaning of Article I, section 9, paragraph 6, of the Constitution.

7. Reasonable, just, and impartial rates determined by legislative authority are not within the prohibition of Article I, section 9, paragraph 6, of the Constitution, even though they result in a varying charge per ton per mile to and from the ports of the different States.

In the case of Butterfield *v.* Stranahan (192 U. S., 470) this same question is fully discussed. This case illustrates the class of cases in which the legislature may leave administrative details to an executive officer or board without delegating any portion of legislative power.

This same question was discussed by the supreme court of my State in 1882 in the case of the Georgia Railroad et al. *v.* Smith et al., Railroad Commissioners, et al. (See 70 Ga. Report, p. 694.) The legislature of Georgia passed an act creating a railroad commission, defining its powers and duties and prescribing that all rates shall be reasonable and just, and delegating to the State commission power to hear facts and ascertain what rates are resonable and just, and to enforce its findings. The point was made by able counsel that this provision of the act violated the constitution which delegated legislative power to the legislature and that the legislature was not authorized to delegate such power as was granted to the railroad commission.

The court decided that the object of the constitutional provision conferring power upon the legislature to regulate railroad freights and passenger tariffs to prevent unjust discrimination and require reasonable and just freights and tariffs, and making it the duty of the legislature to pass laws in furtherance of this provision, was to give proper protection to the citizens against unjust rates for the transportation of freights and passengers over the railroads of the State and to prevent unjust discrimination, even though the rates might be just. The court said it was not expected that the legislature should do more than pass laws to accomplish the ends in view; nor were they required to enter into the details of settling freights and tariffs over all the railroads in the State. The railroad commissioners are officers appointed to carry into execution the laws passed by the legislature, and are constitutional officers. The powers of the railroad commissioners are not legislative. The power to adopt rules and regulations to carry into effect a law already passed differs from a power to enact the law.

Judge Crawford delivered the opinion, and he was one of the ablest judges that ever presided over that court. In delivering the opinion he said:

The constitution of 1877 confers upon the legislature the power and authority of regulating freight and passenger tariffs, preventing unjust discriminations and requiring reasonable and just rates of freight and passenger tariffs. It further makes it the duty of the legislature to pass laws from time to time to carry into effect this constitutional provision and to enforce the same by adequate penalties.

Judge Crawford says the object of the constitutional provision and the legislative enactment was to give proper protection to the citizen against unjust rates for the transportation of freights and passengers over the railroads of the State and to prevent unjust discriminations, even though the rates might be just. It was not expected that the legislature should do more than pass laws to accomplish the ends in view. When this was done, says Judge Crawford, its duty had been discharged. All

laws are carried into execution by means of officers appointed for that purpose. Some with more, others with less, but all must be clothed with power sufficient for the effectual execution of the law to be enforced.

Legislative grants of power to the officers of the law to make rules and regulations which are to have the force and effect of laws are by no means uncommon in the history of our legislation. I need only mention the power given to the judges of the supreme and superior courts of this State to establish rules which, if not in conflict with the Constitution of the United States, of this State, or the laws thereof, are binding and must be obeyed. And it has never been claimed that they were unconstitutional because they had not been passed by the legislature and read three times, and on separate days, in each house of the general assembly.

The act of October 14, 1879—

Says Judge Crawford, delivering the opinion of the court—

provides that fair and reasonable rates only shall be charged by the railroads of the State.

Did the Constitutional Convention, by paragraph 1, section 2, and Article IV, intend more than the passage of a general law, such as this, to carry into effect the clause here referred to? It certainly was not contemplated that the details of rates to be fixed over the many miles of railway in the States should be settled and determined by the legislature. The many influences that combine to cause changes in the ever varying vicissitudes of trade and travel were neither overlooked nor forgotten by that body. The utter impossibility of preparing by the legislature just and proper schedules for the various railroads, with their differences of length, locality, and business, appears to us to be so clear and manifest as that to have entertained would have been absolutely absurd. Judge Crawford said the difference between the power to pass a law and the power to adopt rules and regulations to carry into effect a law already passed is apparent and strikingly great, and this we understand to be the distinction recognized by all the courts as the true rule in determining whether or not in such case a legislative power is granted. The former would be unconstitutional, while the latter would not.

Judge Crawford, continuing, said:

The general assembly of Georgia is expressly required by paragraph 1, section 2, Article IV, to pass laws from time to time to regulate freight and passenger tariffs, and to prohibit unjust discrimination and the charging of unjust and unreasonable rates by the railroad companies of the State. The fixing of just and reasonable maximum rates for all the railroads in the State is clearly a duty which can not be performed by the legislature unless it remain in perpetual session and devote a large portion of its time to its performance. The question, What are just and reasonable rates? is one which presents different phases from month to month upon every road in the State, and in reference to all the innumerable articles and products that are the subjects of transportation. This question can only be satisfactorily solved by a board which is in perpetual session, and whose time is largely given to the consideration of the subject.

Judge Crawford says:

It is obvious that to require the duty of prescribing rates for the railroads of the State to be performed by the general assembly, consisting of a senate, with 44 members, and a house of representatives, with 175, and which meets in regular session only once in two years, and then only for a period of forty days, would result in the most ill-advised and haphazard schedules, and be productive of the greatest inconvenience and injustice, in some cases to the railroad companies and in others to the people of the State. It is impractical for such a body to prescribe just and reasonable rates. To insist that this duty must be performed by the general assembly itself is to defeat the purpose of that clause of the Constitution under consideration. The bestowal of such powers upon a commission is not to be considered as trenching upon the maxim that legislative power is not to be delegated, since the maxim is to be understood in the light of the immemorial practice of this country and England, which has always recognized the propriety of vesting in municipal corporations certain powers of local regulation in respect to which the parties immediately interested may fairly be supposed more than competent to judge of their needs than any central authority.

The case of Fields *v.* Clark (143 U. S., 650) illustrates and sustains the position for which I am contending. Congress passed an act conferring authority upon the President to reduce the revenue and equalize duties on imports, and to suspend, by proclamation, the free introduction of sugar, molasses, coffee, tea, and hides when he is satisfied any country producing such articles imposes duties or other exactions upon the agricultural or other products of the United States, which he may deem to be reciprocally unequal or unreasonable. The constitutionality of this act was brought in question because it transferred to the President legislative power. Mr. Justice Harlan delivered the opinion of the court and sustained the constitutionality of the law. Mr. Justice Harlan said:

What the President was required to do was simply in the act of Congress. He was the mere agent of the lawmaking power to ascertain and declare the event upon which its expressed will was to take effect. The true distinction is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of law.

Half the statutes on our books are in the alternative, depending upon the discretion of some person or persons to whom is confided the duty of determining whether the proper occasion exists for executing them. But it can not be said that the exercise of such discretion is the making of the law. Mr. Justice Harlan says:

The legislature can not delegate its authority, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes or intends to make its own action depend. To deny this would stop the wheels of government. There are many things upon which wise and useful legislation depends which can not be known to the lawmaking power, and must, therefore, be a subject of inquiry and determination outside of the halls of legislation.

This same question was discussed again in the case of the Minneapolis and St. Louis Railway Company *v.* Minnesota by the supreme court of that State and the doctrine affirmed, and the case went to the Supreme Court of the United States and is found in 186 United States, page 257.

The act of the legislature of Minnesota creating a railroad commission—

Says the court—

is not unconstitutional in assuming to establish joint through rates or tariffs over the lines of independent and connecting railroads and apportioning and dividing the joint earnings.

Such a commission—

Says the court—

has a clear right to pass upon the reasonableness of contracts in which the public is interested, whether such contracts be made directly with the patrons of the road or by a joint action between the railroads in the transportation of persons and property in which the public is indirectly concerned.

The presumption is that the rates fixed by the Commission are reasonable, and the burden of proof is upon the railroad company to show to the contrary.

This opinion was delivered by Mr. Justice Brown and expressed the unanimous opinion of the court. This same subject was discussed at length by Judge Woods, of the circuit court of the fifth judicial circuit (see Woods's Reports, vol. 4, in the case of George H. Tilley *v.* The Savannah, Florida and Western Railway Company; Thomas M. Smith, Campbell Wallace, and Samuel Barrnett, railroad commissioners; and Robert N. Ely, attorney-general, page 427.) Judge Woods discussed the subject fully and decided that the power to regulate railroad freights and passenger tariffs being conferred by the constitution of Georgia upon the legislature, the question, What are just and reasonable rates, is a legislative and not a judicial one. And that the delegation to railroad commissioners of the duty of making a schedule of reasonable and just rates of freight and passenger tariffs, by which the railroad companies were to be governed, is not in violation of paragraph 1, section 2, Article IV, of the constitution of Georgia.

Judge Woods, circuit justice, in delivering the opinion, said:

It is settled that railroad companies are subject to legislative control as to their rates of fare and freight unless protected by their charters.

Justice Woods said:

The complainant next insists that paragraph 1, section 2, of Article IV, of the constitution of Georgia requires the general assembly itself to regulate railroad freight and passenger tariffs and prohibit unjust discriminations on the railroads of the State and prohibit them from charging other than just and reasonable rates, and that the delegation of this duty to the railroad commissioners is not warranted by the constitution.

Counsel insisted, he says, that the act of October 14, 1879, delegates to the railroad commission legislative power, which, by the constitution, is conferred exclusively upon the legislature.

Mr. Circuit Justice Woods further said:

The paragraph of the constitution which authorizes and requires the action of the general assembly on this subject does not in terms require that body to prescribe the rates of freights and fares. It is required "to pass laws to regulate freight and passenger tariffs." It has in performance of this duty declared that the rates charged by the railroad companies should be just and reasonable, and appointed a commission to fix the maximum of just and reasonable rates, beyond which the railroad companies shall not go. This action seems to fall strictly within the terms of the authority on which it is based.

If, however, the power conferred on the commissioners can only be exercised under the constitution by the legislature, the act conferring such powers must be declared void.

Mr. Justice Woods reaches this conclusion, and after careful consideration of this point he is satisfied that the duties imposed by the act upon the commissioners are not legislative and are not necessarily to be performed by the legislature.

Mr. Circuit Justice Woods says:

If the act had declared that no railroad company should charge other than just and reasonable rates, and that the board of directors of every railroad in the State should prescribe maximum charges, which should be posted at each station, and beyond which the ticket and freight agents of the company should not go, it could not reasonably be charged that the directors were clothed with legislative power.

Mr. Circuit Justice Woods asks the question:

Is the case altered when the general assembly, instead of making the board of directors the body to fix maximum rates, appoints an independent commission to perform this task?

It is a familiar rule of constitutional construction that a grant of legislative power to do a certain thing carries with it the power to use all proper and necessary means to accomplish the end.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. CLAY. With pleasure.

Mr. McCUMBER. I wish to ask the Senator a question right there.

Mr. CLAY. Very well.

Mr. McCUMBER. I read that case carefully myself, and I confess I can not follow the reasoning of Judge Woods in just what the Senator has now read. Does not the Senator see a great distinction between saying to a board of directors of a railroad corporation that they shall have the power of fixing rates, and saying to a commission, which has nothing to do with rates, that they shall have power to fix rates—in other words, have not the directors the power to determine the value or the use of their own property entirely outside of legislative authority—and therefore are the two cases at all parallel?

Mr. CLAY. I will very frankly say to the Senator that I do not think they are. I think that the railroads owning their property and having a board of directors would have, beyond any question, the right, in the absence of any law, to fix a rate. However, while I do not agree with the reasoning of the court in that particular, the court goes on to state the case very carefully, and decides that the power to find out what are reasonable and just rates is an administrative and not a legislative power.

Mr. McCUMBER. Now, may I call the attention of the Senator to a part of the reasoning of Judge Woods in that case, in which he says:

The true distinction, therefore, is between the delegation of a power to make law, which necessarily involves the discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law.

That is the substance of the distinction on which Judge Woods bases his decision in that particular case. When you follow that distinction up, it seems to me that it shades away into almost airy nothingness.

If I may trouble the Senator a moment further——

Mr. CLAY. I do not want to yield for an argument, because I wish to go on, as I am occupying the floor through the courtesy of the Senator from New Hampshire [Mr. GALLINGER].

Mr. McCUMBER. I will not take one moment of the Senator's attention if he does not wish to grant it at this time, but if he will yield I should just like to make that point clear.

Mr. CLAY. Go on.

Mr. McCUMBER. Is not the delegation there purely and simply a delegation to the Commission itself to fix the rate? If it is, is it not a delegation also that the administrative body, which is to determine the administrative question, shall also apply the rule which is to govern? Therefore it is purely and simply a making of law, because there is nothing that comes into existence fixing the rule until the rule is applied. That seems to me to be the point.

Mr. CLAY. I will say to the Senator that I think when the legislative body prescribes that the rate shall be an equal, impartial, and just rate that is a fixing of the rate; that is the legislative body fixing the rate and leaving it to another body to find what is a just and reasonable rate. I think when Congress prescribes in a general way that all rates shall be just that is the standard, and then that the work to be performed by the Commission in coming up to that standard is not legislative, but the Commission is simply finding and carrying out the standard fixed by Congress.

Mr. CLAPP. I should like to ask the Senator a question, with his permission.

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

Mr. CLAY. Yes, sir.

Mr. CLAPP. In that proposition is there not another thought involved, which seems to be lost sight of here; and that is that the declaration of the legislature giving life and vitality to the determination of the Commission which is acting under it, the declaration being made in advance, constitutes, in my mind, the action of the legislature operating upon the finding of the Commission.

Mr. CLAY. I must not take up too much time of the Senate, but I wish to refer to the case in 192 United States Reports, where a similar question was discussed, if I remember correctly. That was a case arising under an act of Congress providing that teas of an inferior quality should not be imported into the United States. My recollection is that Congress provided in the act that the Secretary of the Treasury should appoint a commission, and that commission should examine the teas that were imported into this country and see whether or not they were of an inferior quality; and if found to be of an inferior quality, the tea was to be rejected. Certain parties imported into this country teas alleged to be of an inferior quality, and the teas were seized on the ground that they had been adjudged to be of an inferior quality and not of the quality which Congress intended should be allowed to come into the United States. The owners of the teas made the point that Congress had said that teas of an inferior quality should not be imported into the United States, and then left to the Secretary of the Treasury the appointment of a board to pass upon these teas and determine whether or not they were of an inferior quality; the point was made that Congress itself ought to have prescribed the quality of tea and specified the grades of tea that should come into the United States, contending that this was a delegation of legislative authority. The court held that Congress had provided that inferior tea should not come into the United States, thus prescribing the standard of tea that should come into the United States, and that the board of appraisers, which examined the teas to ascertain whether or not they were of an inferior nature, were acting purely in an administrative capacity in finding facts, that they were executing the law that had been passed by Congress, and that that was not delegating legislative power to the Secretary of the Treasury.

Numerous other State authorities could be cited to sustain this contention, but those already presented are so overwhelming I do not deem it necessary to take up the further time of the Senate to sustain the position for which I am contending.

The position for which I am contending, and so necessary for the protection of American people, is sustained by an abundance of authority. I do not contend that the Interstate Commerce Commission should be clothed with a power to originate rates. The roads in the first instance should be allowed to fix the rates, and if the roads fix such rates as are reasonable and just to the shippers, then these rates ought to stand. On the contrary, if rates are originated by the roads that are unreasonable and unjust to the shippers, then the American shippers should have somewhere to go to file their complaints and secure redress from wrongs. Railroads can destroy towns, cities, and private industries by improper rates, and who will say that power should not be lodged somewhere to investigate intelligently all complaints, solely with a view of doing justice between the roads and the shippers? The presumption is that an intelligent broad-minded commission will be impartial and seek diligently to do justice to both sides. Why presume that the Commission will decide adversely to the roads? Why presume that narrow-minded partisans, easily influenced by public clamor, will be appointed to discharge this duty? It will not be a difficult task to secure honest, intelligent, upright men to perform this work, and no other kind ought to be appointed.

When Congress passed the law to regulate commerce, approved April 4, 1887, and in effect April 5, 1887, Congress had several objects in view. The law provided that all charges made for any service rendered in the transportation of passengers or property, as aforesaid, shall be reasonable and just; and very unjust and unreasonbale charge for such service is prohibited and declared to be unlawful. Who will contend that this feature of the law was not right and proper? The law also provided that if any common carrier subject to provisions of the act shall directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service to be rendered in the transportation of passengers or property, subject to the provisions of the act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, and which is hereby declared to be unlawful. This section of the Interstate Commerce Commission law was intended clearly to prevent unjust discrimination. The act to regulate commerce intended that every citizen and every community should have equal and just treatment by the common carriers. Who will say that this was not proper?

The third section provided that it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preferences or advantage to any particular person, company, firm, corporation, or locality in any particular description of traffic. This section intended to prevent unreasonable preferences or advantages to any shipper or to any community. Congress intended to say that every shipper should have equal treatment and equal chances to make a living so far as freight rates are concerned, and that no ad-

vantage should be given to one person over another or to one city or town or community over another. Who will say that this was not right?

It is not my desire to cripple the railroad industry of the country. Congress itself desires to protect the people of the United States against unjust and unreasonable rates and against unreasonable preferences and unjust discriminations. Congress desires to give every citizen an equal chance in the race for wealth and honor. Then follows the long and short haul provision of the act. A critical examination of the debates will show that while this bill was pending before Congress to regulate interstate commerce Congress at that time intended to give to the Interstate Commerce Commission the power to hear complaints and prescribe reasonable and just rates.

This is a question of vast importance to the American people. The aggregate length of railway mileage in the United States on June 30, 1904, was 213,904.34 miles. The aggregate amount of railway stocks on June 30, 1904, was $6,339,889,322. The aggregate earnings from the operation of the railways in the United States for the year ending June 30, 1904, amounted to $1,975,-174,091. Of this amount, $444,326,991 was received from the transportation of passengers and $1,379,002,693 for the transportation of freight. The vast amount of money invested in these enterprises and the enormous sum paid for freight and passenger service make this question one of no ordinary importance. The President in his message has asked that such power be given to the Interstate Commerce Commission.

The party to which I belong in the last national convention in St. Louis, which nominated a candidate for President and Vice-President, adopted a platform in favor of granting such power to the Interstate Commerce Commission. Since the Supreme Court held that the act creating the Commission and defining its powers did not give express authority to the Commission to hear complaints, reduce and prescribe future rates, the Commission in each annual report has honestly besought Congress to so amend the Interstate Commission law as to give the Commission this power. Fully 75 per cent of the American people favor such legislation.

Why have an Interstate Commerce Commission clothed with the power to investigate rates and to find out what rates will be reasonable and just and leave the Commission without any power to enforce its findings. Of what service can the Interstate Commerce Commission be to the American people if it has the right simply to investigate rates put in operation by the railroads and find out whether they are just or unjust and then have no power to put in operation its findings? What good can come to the American people from the Commission with the law as it now stands? Why should the United States Government pay the expenses of the Interstate Commerce Commission when the Commission is clothed with the power to look into rates originated by the railroads, and if the Commission finds rates to be unjust and unreasonable then the Commission is not empowered to force the roads to change the rates so as to make them reasonable and just? Who believes that Congress intended to create a commission with simply the right to investigate without the power to enforce its findings so as to do justice between the people and the railroads? I would repeal the law creating the Commission unless the Commission is clothed with the power both to investigate and find what rates are reasonable and impartial and at the same time enforce its findings. It is absurd to have an Interstate Commerce Commission constantly investigating the railroad rates, knowing at the same time whatever may be the findings of the Commission in regard to rates the Commission is without power to enforce any of its findings. The people want a commission clothed with the power to find and fix a proper and reasonable rate and to put that rate in operation. Otherwise the Commission is useless.

American people pay annually nearly two billions of dollars for freight and passenger fares. Since the Supreme Court held that the Commission had not been invested with the power to modify or reduce any rate of charges established and fixed by the carrier, a power which the Commission exercised from the time of its organization, the law stands as it did before the Commission was created.

The people are not benefited by the law creating the Commission without the power to fix rates. By virtue of these decisions all doubt has been removed, and the carriers may establish their own rates and charges and may judge for themselves what rates are reasonable and just. Surely the shipper is at the mercy of the carrier. However, unjust and unreasonable the rate may be, the shipper is without remedy. He has no tribunal clothed with the power to hear his complaints. The law, as interpreted by the courts, denies the authority to the Commission to fix a reasonable rate for the future. This leaves the Commission without authority, in the absence of additional legislation, for which I am now contending, to hear and settle the differences between the railroads and the shippers. The general public had expected a more satisfactory and complete remedy for transportation abuses.

These decisions furnish an abundance of reasons why additional legislation should at once be enacted in such unmistaken terms that the Commission can not misconstrue and the public will not be misled by it. The original act creating the Commission declared that the Commission is authorized and required to execute and enforce the provisions of the act; that the Commission shall investigate, inquire into, report, and order the discontinuance of all violations of these or other provisions of the law, and shall execute the law by petition to the court to enforce such order, which the act requires the court to do whenever the order is lawful.

I want it, however, clearly understood that I do not insist that Congress shall attempt to cripple the railroad corporations of the country. Far from it. I recognize the fact that the owners of railroad property should, in the first instance, be allowed to develop their own property; that they should be allowed to make rates; but they should be required to make rates that are reasonable and just to the shipper. If they do not do that, then the power ought to be lodged somewhere where the shipper can go and make his complaint and be heard. I believe the finding of the Interstate Commerce Commission as to what is a reasonable and just rate ought to be regarded as prima facie correct, and that the burden ought to be upon the roads to show that the rate is not a reasonable and just rate before it is ever set aside. We had just as well recognize to-day that while a large amount of money is invested in railroads, the American people are paying many millions every year for freight and passenger fare. I will not say whether those rates are just or unjust, as I have not looked into it sufficiently to be able to tell, but I do say with the American people paying such an enormous amount of money for passenger fare and freight rates there ought to be power lodged somewhere where the rate can be passed upon by an upright and impartial tribunal, and let that tribunal determine what is a reasonable and just rate.

Mr. LONG. Mr. President——

Mr. CLAY. I will yield to the Senator in a moment.

Nobody will insist that Congress can do this. If Congress were to stay here in session all the time, it could not hear one-twentieth of the complaints of shippers. Nobody will say that Congress can take up these various complaints, pass upon them, and fix the rates that should be charged between the shipper and the railroads.

Now I will yield to the Senator from Kansas.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, I wish at this time to ask the unanimous consent of the Senate that before adjournment on Monday, February 12, a vote shall be taken on the bill and all amendments pending and to be offered.

Mr. DANIEL. When is that time?

Mr. GALLINGER. Monday, February 12, three weeks from to-day.

The VICE-PRESIDENT. The Senator from New Hampshire asks the unanimous consent of the Senate that the unfinished business, being Senate bill 529, and all amendments thereto, shall be voted on before adjournment on Monday, February 12 next. Is there objection?

Mr. DANIEL. I object, Mr. President.

Mr. GALLINGER. Then I will extend the time to February 19—four weeks from to-day.

Mr. GORMAN. I trust the Senator will postpone his request.

Mr. DANIEL. It is not debatable, but if permissible I should like to make an observation or two.

The VICE-PRESIDENT. Without objection, the Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, this is a very important measure. It inaugurates a new system. It is the entering wedge, as might be expected, for a very large and long-extended expenditure of public funds. It comes at a time when we are trying to be economical in order to sustain at home and in our domestic relations the proper progress the Government should make each year.

I see no occasion as yet to fix a time to vote upon this bill.

We have had very little debate upon it. A very able and interesting address from the Senator from New Hampshire has, of course, preceded it, and we have had one admirable speech from the Senator from Florida [Mr. MALLORY].

It seems to me that it would be wise to let it take its course from time to time. No amendments have been offered to the bill. The Senate has really not fixed its attention upon its details.

While I do not wish to try to engage the attention of the Senate, I will state an inquiry which has been entering into my mind upon the subject. If we are to have a measure of this kind and if some of the fishermen of the country are to be put into a naval militia, it has occurred to me that other fishermen might as well be put into the naval militia at the same time. We need to defend our coasts, and if deep-sea fishermen are to be employed and paid, from year to year, to defend our coasts, I do not see why those who fish in our streams and bays and estuaries should not be employed also.

This is but one suggestion that I would make now; but the objection I have to fixing a time for voting upon the bill is that the consideration of it is not at all ripe before the Senate. We have not had its details discussed in any such way as to prepare the minds of Senators for the thorough understanding of what it means and will mean hereafter. I should hope that the Senator would defer fixing a day for the final vote until that time of ripeness has come.

I will say to him further, lest I be misapprehended, that it never has been my purpose and is not now my purpose to attempt to delay either the consideration or the final vote upon any measure offered in good faith, as this undoubtedly is, and of a nature which each man is perfectly free to vote upon, without those objections which go too deep for him to be willing to see it pass after any consideration. It is a commercial question, a financial question, and one of the kind of questions which ought to be considered and based upon any reasonable time whenever the Senate is disposed to do so. But it ought to be a ripe time, after full and detailed consideration, and that time, in my judgment, has not come.

Mr. GALLINGER. Mr. President, if necessary, I will ask unanimous consent to briefly reply, although the bill is now before the Senate, and I can proceed to talk, if I choose. But I want, before doing so, to make another request. It is that this bill shall be voted upon on Monday, March 5, which is six weeks from the present time.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill which is the unfinished business shall be voted upon before the adjournment of the Senate on Monday, March 5. Is there objection?

Mr. MALLORY. Mr. President, the bill presents a question of order preliminary, which ought to be disposed of by this body before there is any vote on the bill, in my judgment.

Mr. GALLINGER. What is the question of order, may I ask the Senator?

Mr. MALLORY. The question of the right of the Senate to originate revenue legislation.

Mr. GALLINGER. If the Senator will permit me, I think two Senators on the other side have suggested that they will make a point of order against that provision of the bill. I think the Senator from Florida does not seriously believe that the Senate shall usurp the functions of the Supreme Court and determine the constitutionality of bills before they are acted on by this body.

Mr. MALLORY. I do think the Senate has a right to determine for itself what it shall and shall not do under its constitutional power, and I am very much inclined to think the Senate has no right to initiate such legislation as is contained in the eighth section of the bill.

Mr. GALLINGER. That, of course, is the Senator's opinion. Does the Senator think the Senate can not properly consider and pass a bill of that kind, even though it may hereafter be declared unconstitutional?

Mr. MALLORY. Oh, I do not question the right of the Senate to consider it. As I remarked the other day, it can consider it in an academic way. But I do think it would be wrong for us to pass the bill unless we have that question settled. I object to fixing a given day until that question is settled by the Senate.

Mr. GALLINGER. I will withdraw my request and proceed to consider the bill which is now before the Senate.

Mr. BACON. Mr. President——

Mr. MORGAN. I wish to say on the question of order——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. I do.

Mr. BACON. I ask the Senator from New Hampshire if he will not kindly postpone that until my colleague concludes his speech?

Mr. GALLINGER. I have yielded day after day now for more than two weeks to Senators to make speeches. The Senators on the other side know that I always want to be courteous. I want to be courteous to-day, but when Senators refuse absolutely to fix a time, six or seven weeks in advance of the present time, to vote on a bill that has been before the Senate for nearly six weeks, I confess I think we would better proceed to consider the bill and vote on it, unless it shall be displaced by some other measure. That is the feeling I have about it, and I say it in entire good nature, and certainly not for the purpose of depriving any Senator of any right that he could ask for, either under the rules or by way of courtesy.

Mr. BACON. Mr. President, I fully accord to the Senator every disposition to be courteous, as he always is. I hardly think, however, that it is in harmony with the Senator's usual character for courtesy and a universal observance of it to make this point right in the middle of a speech. Now, if the Senator will give notice that after to-day he will seek to enforce the consideration of the regular order, that would be entirely characteristic of the usual consideration of the Senator. But it is not usual that such a drastic step should be taken while a Senator is on the floor.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I have not served here for fourteen years to be ignorant of the fact that a speech on a resolution always has the right of way in this body. All know that. I recognize that fact. It will be recognized to-day beyond a doubt. But, nevertheless, I do feel that the Senate ought to be willing, certainly in the near future, and I will make this request again in a day or two, to fix a time to vote on the bill. There are other very important matters coming before the Senate. The Senator from Georgia [Mr. CLAY] is discussing a matter which, while it is not directly before the Senate, will be here doubtless in the near future for serious consideration, and other very important questions will be here.

Now, Mr. President, I ask unanimous consent, if agreeable to the Senators who are on their feet, that the unfinished business shall be laid aside until the Senator from Georgia concludes his remarks.

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

Mr. TELLER. I wish to say to the Senator before that is done that I do not think he will expedite this bill by pressing it unseemly, which I think his proposition to go ahead now is. This bill has been before the Senate, it is true, for several weeks. Every Senator is quite aware that there has been no intimation that the bill was to be pressed rapidly. There are a great many other things before the Senate of more importance than this bill, and at least entitled to a few days' notice.

If the Senator proposes to press the bill and wants to press it to-day, he will find some one to speak on it without any doubt, and to-morrow. I think the bill is one which needs very serious discussion. I think on the question raised by the Senator from Florida, unless the eighth section is stricken out, it ought to be the end of the bill.

The Senator says the Senate may go on and discuss a question of this kind. I simply want to challenge that statement. Mr. President, a revenue bill can not originate in this body, and it is a breach of the privilege of the House of Representatives for this body to consider it for a moment. Courtesy requires, whenever we are satisfied that it comes within the prohibition of the Constitution, that we shall cease discussing the question. Of course the Senator can get rid of that question by striking out the eighth section. When he does that he will materially narrow the debate.

That is all I want to say. I do not wish to interfere with the Senator from Georgia.

Mr. GALLINGER. Mr. President, "the Senator from New Hampshire" accepts with due humility the lecture the Senator from Colorado has delivered to him. It is not unusual.

Mr. TELLER. Mr. President, the Senator will allow me to say there is no lecture about it. I am simply contending for what I think is the right of those who do not believe in this bill.

Mr. GALLINGER. If the Senator from Colorado——

Mr. TELLER. I can scarcely submit to any castigation from the Senator from New Hampshire on a subject of this kind. I have been here quite as long as he has.

Mr. GALLINGER. Longer.

Mr. TELLER. I think I am quite as courteous as he is, and I am prepared to discuss this question when the time comes; but I will discuss it in my own time.

Mr. GALLINGER. I think the Senator from Colorado will

recall the fact that when the question as to the constitutionality of a certain provision in the bill was first raised I said that an amendment would be offered to this part of the bill, which, in my opinion—it may not be well founded—would get rid of this constitutional contention. We have not had an opportunity to do that as yet. It can be done at any session of the Senate.

Now, Mr. President, this is not surprising to me. I know that the Senate always deliberates, and deliberates in its own way, and I presume it will do so in connection with this bill, but I will suggest to the Senate that if the same course shall be pursued regarding all the other great measures that will come before the Senate it is not likely that we shall vote on any of them before next November. There are a great many questions coming here. With that observation, I renew my request for unanimous consent that the unfinished business may be laid aside until the Senator from Georgia concludes his remarks.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Senator from Georgia will proceed.

REGULATION OF RAILROAD RATES.

Mr. CLAY resumed his speech on the resolution in reference to the regulation of railroad rates, submitted by him on the 18th instant. After having spoken for about half an hour,

Mr. LONG. I wish to inquire of the Senator from Georgia what provision he would favor in the law to compel the carrier to put into effect the orders of the Commission?

Mr. CLAY. I have not critically examined the various bills which we have before us. I understand that there are many bills pending here in the Senate. I would provide that the rates fixed by the Commission should be presumed to be reasonable and just, and I would provide a penalty for the failure to carry out the rates fixed by the Commission. I would provide that the Commission should have power to compel the railroads to carry out those rates, and I would give the particular road the right to test that question in court, so as to determine whether or not the rate was reasonable and just.

Mr. DOLLIVER. Mr. President——

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

Mr. CLAY. I do.

Mr. DOLLIVER. I desire to say a word, Mr. President, about the matter suggested by the Senator from Kansas [Mr. LONG] in reference to the power of the Interstate Commerce Commission to enforce their orders. I had the honor to introduce in the earlier days of the session a bill giving to the Commission the power to make certain orders and providing severe penalties for the failure of the railways to obey the orders, and, in addition to that, providing for equity proceedings by mandamus or otherwise in the circuit court of the United States to compel the railway company involved in the controversy to obey the orders of the Commission.

I noticed in a newspaper printed in a neighboring city a report sent out from here by Mr. Angus McSween, who, I think, is a reporter officially representing his paper in the Senate, in which he makes what I regard as a stupid, uncalled-for, and libelous attack, not only upon me, but upon practically the whole Senate. I ask the Secretary to read the portion of the article which I have marked.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. TELLER. I hope the Secretary will read the article slowly, so that we may get the essence of it.

The Secretary read as follows:

[By Angus McSween.]

WASHINGTON, *January 21, 1906.*

Discovery of a "snake" in the Dolliver railroad-rate bill, the author of which is now posing as the most energetic supporter of the President's rate-regulation policy in the United States Senate, has served to reveal the eloquent Senator from Iowa in an entirely new and not a pleasing light.

If it be true that DOLLIVER, for all his professions, is but another wolf in sheep's clothing, striving by means of a trick to so emasculate the proposed railroad legislation that it will amount to nothing, then it is impossible to tell if the President's plans have any real supporters in the Senate, or if it is possible to obtain from the present Congress more than a mere step in the direction of railroad reform.

The provision in the Dolliver bill which has aroused the indignation of the honest reformers in the Senate and House declares that if any of the railroads fail to comply with the orders of the Interstate Commerce Commission, when that Commission shall have established a reasonable rate, the Commission or the shipper concerned may, by petition, take the matter into the courts, and the courts are authorized to make a complete investigation of all the questions at issue, and decide if the order of the Commission has been reasonable and lawful, and to prescribe methods by which such order may be enforced.

Mr. DOLLIVER. Mr. President, a large amount of printed matter, possibly two columns, follows what I have marked, all of it libelous and nearly all of it stupid. I have chosen to deal with this part of it because I have felt that it might not be wise to allow a report like that, affecting a bill pending here, to be circulated without at least calling public attention to its entire want of foundation.

So far as personal attacks upon me or other members of the Senate are concerned, I do not feel any pressure, either of inclination or of duty, to deal with them. It is a favorite maxim of mine that if a man's moral character is not sufficient to refute such accusations and take care of them, nothing that he can say would add to his defense. But it is of public importance that a criticism, such as the one which has just been read, should be exposed on the instant.

It is true that section 4 of the bill which I had the honor to introduce here does give the Commission the power to take its orders into a court of equity in order to secure a mandatory injunction for their enforcement; but it is not true that that constitutes any weakness in the provisions which the bill makes for their enforcement. The bill gives power to the Commission to make a variety of orders—orders for rates, orders to cease and desist from violations of the law, and orders for reparation or damages for overcharges which may have occurred.

So far as the orders for the establishment of a maximum rate are concerned, the purpose of the bill is to make the orders self-executory by setting against their violation, against the failure of the corporations to observe them, serious penalties, namely, $5,000 per day for every day's failure to observe them; but in order to cover the case of orders not involving the subject of rates, and possibly a case where the railroad might prefer to defy the order and fail to observe it, taking its chances on the Government's being able to collect the penalty, the bill also provides, not for the purpose of nullifying its provisions, but for the purpose of making them more effective, that the Commission may take its orders into a court of equity and secure a mandamus requiring the railroads to obey them. It does not give the railroads the right to go into a court of equity, but by express language limits the jurisdiction of that court in this proceeding, not to the substance and merit and reasonableness of the order, but to the fact whether a lawful order has been made and whether the corporation is in disobedience of it.

Now, I do not feel as much duty to defend that clause in the bill as I might if I had not borrowed it practically verbatim from the bill which was sent to the Senate Committee on Interstate Commerce by the Interstate Commerce Commission, the Commission having borrowed it in substance from the existing law. The clause was put into the bill of the Interstate Commerce Commission because, in the unanimous judgment of that Commission, it enabled them in case their orders were defied to take them into a court of equity and secure a mandatory injunction for obedience to them. Instead of injuring the law, it was important to secure in extreme cases effective obedience to its orders in case the corporations were disposed to disobey and to defy them. I took the section on the subject substantially as drawn in the Interstate Commerce Commission bill, conforming its phraseology to the language of the present law, and put it into the measure which I had the honor to introduce here, because my judgment agreed with theirs that it was necessary to complete the power of the Commission over the cases brought within their jurisdiction by the proposed measure. So that what I say now is not said for the purpose of defending my moral character, but for the purpose of exposing a stupidity the like of which I have never before seen approached in the gallery in which the representatives of the American press sit during the sessions of the Senate.

Mr. CLAY. Mr. President, if I can find where I left off, I will resume and complete my remarks in a few minutes. What we ought to do is to provide that all rates shall be reasonable and just, and then we ought to empower the Commission to find what rates are reasonable and just and to enforce its findings.

The Senator from Kansas [Mr. LONG] asked me something about how they would be enforced. I believe the Senator from Texas [Mr. CULBERSON] provides in his bill that the failure to carry out the rates fixed by the Commission shall be a misdemeanor and shall be punished by a fine of not less than two thousand nor more than twenty thousand dollars.

I do not desire to discuss the merits of any bill at present. I simply desire to contend that for ten years the Commission has been exercising power to hear complaints, exercising power to pass upon the differences between shippers and railroads; and the reports show that in 69 cases, I believe, out of 168 the rates fixed by the roads were reversed and decreased, and the railroads acquiesced in the findings of the Commission.

No great harm was done to the people of the United States while the Interstate Commerce Commission exercised this power. The Commission to-day is an ornamental rather than a useful body. The Commission can examine into rates now on

complaint, but it can simply find that they are unreasonable, and the railroads are not bound to pay any attention to the matter. I believe that unless you empower the Commission to investigate rates, to fix rates that are reasonable and just, and to enforce its findings you had better repeal the law creating the Interstate Commerce Commission.

Mr. President, the debates of Congress will show that when the law was passed creating the Interstate Commerce Commission and defining its powers Congress intended to give to the Commission the power then to say what was a reasonable and just rate.

Mr. ALDRICH. Mr. President——

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

Mr. CLAY. Certainly.

Mr. ALDRICH. I was a member of the Senate at the time, and the exact opposite of what the Senator says was the understanding, so far as I know, of every member of this body.

Mr. CLAY. Mr. President, I am fully aware of the fact that the Senator from Rhode Island is wide-awake and keeps up with the business of the Senate, but I am sure, if the Senator will read the debates of the House and of the Senate, he will reach the conclusion that I am correct.

Mr. ALDRICH. I mean so far as their intentions were expressed in the discussion.

Mr. CLAY. I have myself read the debates.

Mr. ALDRICH. The Senator from Illinois [Mr. CULLOM], who then had charge of the bill, stated in definite and set terms that there was no intention on the part of Congress or of the committee or of himself to give any rate-making power to the Interstate Commerce Commission——

Mr. CLAY. The debates show——

Mr. ALDRICH. And nothing was said in the Senate by any member of the committee or by any member of the Senate to the contrary, and I challenge the Senator to produce any evidence anywhere that there was.

Mr. CLAY. I will address the Senate at a later day, and I will produce speech after speech made upon the floor of the House and of the Senate stating that the bill provided that all rates should be reasonable and just; that it empowered the Commission to enforce every provision of the law, and clearly carried the right to investigate and declare what were reasonable and just rates.

Mr. ALDRICH. Mr. President, the bill in terms said that all rates should be reasonable and just. That, of course, is not and can not be a subject of contention on the part of anybody; but that the Congress went beyond that and gave, or intended to give, the Interstate Commerce Commission any power to fix rates is not within the range of possibility. Those who were members of the Senate at that time, as I was, and my friend from Iowa [Mr. ALLISON] and other Senators around me were, had a clear understanding on this subject.

Mr. CLAY. Mr. President, the Senator knows, if he has investigated the reports of the Interstate Commerce Commission, that the Commission did exercise this power for the period of ten years——

Mr. ALDRICH. I know, but——

Mr. CLAY. One moment. And the Senator knows well that the Commission heard various complaints of shippers as against the roads charging excessive rates, that the Commission said the rates were excessive, that the Commission reduced the rates, and that the roads acquiesced in the findings of the Commission.

Mr. ALDRICH. Mr. President, it is undoubtedly true that the Interstate Commerce Commission throughout its entire history has been hearing charges and claims of the nature suggested by the Senator from Georgia, and they undoubtedly have had an effect upon the railroads in a great many cases. The Commission have been performing a very proper function in that regard, but in the very first case where they undertook to fix rates, which reached the Supreme Court of the United States, there was a prompt decision that they had no such power and never had had such power.

Mr. CLAY. It is true that the Commission exercised this power for about ten years. I know what I am talking about. I have read its reports, and I have read the cases that the Commission had under consideration, and the Senator will find that there were more than fifty cases where rates were reduced, and the Senator will find that the roads acquiesced. The Senator——

Mr. ALDRICH. The roads have been acquiescing.

Mr. CLAY. One moment. The Senator will find that that question went to the Supreme Court in 162 United States, and the Supreme Court decided that there was nothing in the act empowering the Commission to make rates. Up to that time that power was exercised by the Commission.

Mr. FORAKER. Mr. President——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. I yield to both Senators.

Mr. ALDRICH. I was merely about to say that cases involving charges of extortionate rates and all the other questions affecting transportation in this country have continually been heard by the Interstate Commerce Commission, and the railroads, in case their judgment agreed with that of the Commission, have often followed the Interstate Commerce Commission in its suggestion and recommendation. The Interstate Commerce Commission has been discharging that function up to the present time, and there is no question about its right.

Mr. CLAY. I will say to the Senator that my information is that since that decision was rendered the Interstate Commerce Commission has heard complaints in regard to excessive rates. But all it can do is simply to find that the rates fixed by the roads are unreasonable, and then can write to the roads recommending that the rates be reduced. But the Commission does not attempt to exercise the power to compel the roads to put in operation rates so reduced since that decision was made. It would be futile; it would be a useless——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. CLAY. Certainly.

Mr. FULTON. The Senator does not want to be understood as saying that the Commission does not now frequently prosecute suits to restrain exactions?

Mr. CLAY. So far as that is concerned, as I understand the common law it could be done under the common law without any commission. Under the common law the shipper could go into the court without any statute law on the subject and file a bill in equity, setting forth that the rate charged is excessive, exorbitant, and unreasonable, and under the common law the courts were empowered to enjoin the enforcement of a rate of that kind. That was true, as I understand the law, before the Commission was created. The existence of the Commission did not change the law in that particular, and certainly now, I think, the Commission, where it finds the rates to be unreasonable and excessive as against the shipper, can go into the courts and enjoin its enforcement.

The Commission ought to have the right to hear evidence as to the cost of the construction of the railroad; how much watered stock there is, if any, in the railway company. The Commission ought to know how much it costs to operate the road, how much business the road is doing, and the expense of operating the road; and when the Commission ascertains those facts it ought to fix a rate that is reasonable and just to the shipper and the road, and there ought to be a penalty to enable the Commissioners to enforce the rate found to be just and reasonable, and, in my judgment, that rate ought to be in force until set aside by the courts in a proper way.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. I understood the Senator from Georgia, who is always wise, to say earlier in his remarks that the rates ought to be remunerative. He has just made an allusion to one of the salient facts, or what is considered one of the salient facts in the railroad problem—the question of overcapitalization, watered stock. Does the Senator think that in deciding whether a rate is remunerative these questions ought to be considered?

Mr. CLAY. I do. I think every question the determination of which will tend to do justice between the road and the shipper ought to be considered.

Mr. ALDRICH. What part——

Mr. CLAY. The Commission ought to know the actual cost of the road, and the Commission ought to know the actual operating expenses of the road.

Mr. ALDRICH. Does the Senator mean the cost of replacing it or the original cost?

Mr. CLAY. All those things ought to be taken into consideration.

Mr. FULTON. Will the Senator allow me?

Mr. CLAY. I think the Senator from Rhode Island has the floor.

Mr. FULTON. I wish to make a suggestion in answer to the question of the Senator from Rhode Island. The Supreme Court in the Nebraska case (169 U. S. Rep.) said that in determining what would be just remuneration for the service of a carrier they would take into consideration only the actual cost

of the road, and if there were fictitious values placed or fictitious stock issued it should be excluded.

Mr. BAILEY. Not the actual cost, but the actual value.

Mr. FULTON. The actual value. They went on then, qualifying the proposition of actual cost, to say, Suppose a road had been built at a time when it cost a great deal more to construct than it would to construct a similar road at the present time; it might be proper to consider merely the actual value. But, at any rate, the court laid down the rule that fictitious values should not be considered.

Mr. ALDRICH. I was more or less familiar with what the Supreme Court has decided; but the Senator from Georgia is making the first set speech that has been made upon the side of the question which appeals to popular opinion, and I assume——

Mr. CLAY. One moment.

Mr. ALDRICH. And I assume——

Mr. CLAY. One moment right here. I want to answer that.

Mr. ALDRICH. I assume——

Mr. CLAY. The Senator does not know me if he thinks my purpose is to appeal to popular opinion or to do other than what is right as between the roads and the shippers.

Mr. ALDRICH. Oh, I am sure of that. But, as I was about to say, the Senator from Georgia, I suppose, can be taken more or less as the representative of people other than himself, because he is discussing this question from the standpoint of those who believe the Interstate Commerce Commission should be given power to fix rates. I was trying to find out what his opinion is upon this question—not what the Supreme Court has decided, but his opinion as the representative of people who believe in this legislation.

I should like to know whether he thinks either the Commission or the courts ought to take into consideration watered stock—overcapitalization—and whether dividends should or should not be paid upon it, and whether the present cost of building the road or the present value of the road is to be taken into consideration, in his opinion, in fixing a rate which is remunerative, because all these are not mere idle questions. They are practical questions of the very highest importance. He is here as a representative, and I should like to know what his opinion is, and not what has been the opinion of the Supreme Court.

Mr. CLAY. In fixing the rates, in my opinion, the Interstate Commerce Commission should take into consideration the actual value of the roads at the time they are considering that question. Some roads, by reason of their surroundings, are making more money than others. They should also take into consideration the question of the cost of operating the road and the net earnings of the road. You are bound to consider all those questins in fixing a rate, and the presumption is that an intelligent commission will be bound to consider those questions and would consider every circumstance.

Mr. FORAKER. The Senator has just stated that it would be the duty of the Commission to take into consideration not only the value and cost of the road, but also the expenses of operation. I should like to know whether he would expect the Commission to go by detail into the expenses of operation and look after the employment of officials, the salaries paid them, and so forth, and so on, and to what extent——

Mr. KEAN. And labor.

Mr. FORAKER. And to what extent his investigation would go. Is the Commission to determine whether the salary paid to the president and the wages of the employees are right and proper and to be approved? Is all that necessary in determining the operating expenses? I only ask for information.

Mr. CLAY. I should take into consideration, in considering this question, every fact and circumstance going to show the cost of construction—the value of the road, the expenses and net earnings—everything that would, if I were a Commissioner, give me a proper idea as to what rate the road ought to charge in order to pay expenses and a fair and reasonable dividend, and then give the citizen a fair and reasonable rate.

Mr. FORAKER. I do not want to be personal, but take the case of the Pennsylvania Railroad, a great corporation, officered by great men, giving all their time to it. Would the Senator say how much salary should be paid to the president and vice-president, and so on, and determine the wages of the engineers, the conductors, the firemen, etc.?

Mr. NELSON. Will the Senator from Georgia allow me?

Mr. CLAY. Certainly.

Mr. FORAKER. I am asking only for information.

Mr. NELSON. I want to say to the Senator from Ohio that that question is merely befogging the real issue. The question in all such cases will be, what are the reasonable expenses of construction; what are the expenses of operating the road? An exigency might arise where, for the sake of making a case in court, a road might pad their expense list, as we know is sometimes done in other cases, for the sake of making a bigger showing. In such a case would the Senator from Ohio say, "You shall not investigate that padding."

Mr. FORAKER. No; I am not saying anything about it. I am trying to get information. The Senator from Georgia was telling us what the Commission would have to consider, and he said the Commission would have to consider operating expenses. I want to know whether he is going into these items. These are all items of operating expense. I want to get the benefit of his idea.

Mr. NELSON. The Commission will go into the items or not, according to the facts presented. If it became material to go into the items—if the investigator, whether a master in chancery in an equity proceeding or the Interstate Commerce Commission or anybody else, became convinced that the expense account was in any way padded—manifestly, as a matter of justice and equity, they would have a right to consider the details.

Mr. FORAKER. I should think, if we entered upon that policy, it would not only be their right, but their duty. I want to clear up whatever of fog there is hanging about this question, in order that we may get the length and breadth of this matter.

Mr. ALDRICH. Mr. President——

Mr. CLAY. No, Mr. President——

Mr. ALDRICH. Only one more question.

Mr. CLAY. I will yield this time, after which I must proceed with my argument.

Mr. ALDRICH. As we are having an official exposition of this plan, I think it important that we should know something about the details of it. I should like to ask the Senator to answer this question, How he would make a practical application of the general scheme of remunerative rates to a single road, say between Atlanta and Boston?

Mr. CLAY. That is a matter which I do not care to discuss now. I may discuss it later on. That question involves the merits of the different bills, and I can not now undertake it. I rose to-day for the purpose of discussing the question of the power of Congress to provide that rates shall be just and reasonable, and then delegating the power to the Interstate Commerce Commission—the right to find what rate is reasonable and just.

Mr. ALDRICH. I was in hopes that some kind of a scheme, some practical way——

Mr. CLAY. We have before us nearly as many bills as we have Senators, and I do not at this time wish to go into a discussion of the different bills upon this occasion.

Mr. ALDRICH. I will wait.

Mr. CLAY. Let me say this: I have not heard a single Senator who opposes giving the Commission this power suggest a remedy. Will the Senators who oppose giving the Commission this power——

Mr. FORAKER. Mr. President——

Mr. CLAY. One minute. Will the Senators who oppose giving the Commission this power say that the railroads shall fix their own rates through their traffic managers, and that those rates shall be final and that the citizen—the individual shipper—shall have no place to go and have his complaint heard? What do you want with an Interstate Commerce Commission, that costs the people of the United States money every year, simply to investigate and find that a rate is unreasonable and then do nothing? Why not repeal your law unless your are going to make your Commission effective?

Let me say to you now that the public sentiment in favor of governmental ownership is growing every day. I am not in favor of it, but unless you check it by governmental regulation you will watch it grow and continue to grow.

Mr. FORAKER. Mr. President——

Mr. CLAY. Just one moment. I am not in favor of it. I recognize the fact that the vast number of employees engaged in the building and construction and operation of railroads would be largely under the control and influence of the party in power in the event that governmental ownership should ever prevail, and it would result in the particular party in power holding the Government for all time to come. It is not best for this Government to be under the control of any particular party for too long a time. Parties closely divided, discussing issues, and holding each other to a strict account are necessary to the preservation of American institutions, and I am unconditionally opposed to Government ownership of railroads. An election took place not long since in the city of New York, where Mr. HEARST came within a few thousand votes of being elected

mayor of that city. I am not one of his followers, and never have been, but, Senators, he almost won that race because he was in favor of municipal ownership.

I tell you to-day if you check the will of the people, if you fail to give the citizen a tribunal where his rights can be heard, if you allow the roads to continue to fix their rates, giving the citizen no tribunal where he can be heard, the American people will wake up and be heard, and a dangerous policy may be put in operation in this country. I say that wise, conservative, and safe legislation on the line I am advocating at this time, in my opinion, is of vast importance to the people of the United States.

Mr. President, who has suggested a different remedy? You tell me that the courts can make rates. It is true that the courts can declare that a given rate is unreasonable and enjoin it, but that simply applies to that particular case. It does not operate in the future. The highest court in our land has decided that the courts have no power to prescribe rates that shall take place in the future. Whether or not the courts can decide that a rate is unreasonable and at the same time announce what is a reasonable rate, is a question of grave doubt, and upon that I am not ready to give an opinion.

The Attorney-General has considered this question in every aspect, and I am frank to say that he ranks as one of the ablest Attorney-Generals we have ever had. I have read his special report to the Senate Interstate Commerce Committee, of which the Senator from West Virginia [Mr. ELKINS] is chairman. It is an able exposition of the law upon this subject, and he recites authority after authority, and he reaches the conclusion, beyond a question, that this power can be delegated to the Interstate Commerce Commission. No sensible man wants to cripple railroad property. I have all my public life been friendly to the railroads, but at the same time let us do justice to the American shippers.

I was reading the other day the testimony of one of the Commissioners before the Senate Interstate Commerce Committee, and it startled me, and with the permission of the Senate I will read it, and then I will conclude my remarks. I wish to call attention to what Mr. Prouty said. During the year, before the Senate Interstate Commerce Committee, Mr. Prouty, one of the Commissioners, was asked the question:

Should the Interstate Commerce Commission be given the power, in addition to what it already has, to investigate complaints and determine whether or not an existing rate was reasonable and just, and to enforce its findings?

Mr. Prouty, replying to the question, said:

I do not understand that the Commission at the present time has any power in the premises. The defect in the present law is that neither the Commission nor the court nor anybody else has any power to say, with respect to the future, whether a rate is reasonable or unreasonable, whether a discrimination is due or undue; and therefore you have no power to make any order in the premises.

Senator CULLOM asked the question:

Well, ought you to have this power?

His reply was simply this:

I have said it a great many times—that there must be, and especially in view of the combined railway influence at the present time, some tribunal somewhere which has power to judge between the railway and the public. I think the railways should make their own rates.

So do I.

I think they should be allowed to develop their own business. But—

Says Mr. Prouty—

I say this, that there must be some tribunal somewhere which can determine whether the railroad has so used its property as to destroy my property. If a railroad, having the absolute monopoly to fix rates, imposes upon me an unjust and unreasonable rate, it takes my property. If a railroad, having power, imposes a discrimination which shuts up my coal mines or shuts down my mill. It takes my property. Now, there must be a tribunal somewhere which can judge between me and the railroad—which can say whether the railroad is using or has used its property in a legitimate way with respect to my rights and property rights. As a matter of fact, I go a little further—

Says Judge Prouty—

I say the only way the public can be protected is by acting directly upon the railroad rates. The thing which hurts is the rate. The thing which must be acted upon is the rate. In some way or other you must revise the action of the traffic manager. If you can do this by a court, all right. As I understand the Constitution of the United States, it can not be done by a court. A court has no power and can be given no power to determine a rate for the future. Therefore, you must bestow that power upon some commission.

Mr. Prouty says competition has ceased. All of the great lines of railroad are under one system. He further said, illustrating the extent to which railroad operation has been unified in the United States:

I had occasion the other day to tell one of my clerks in the office to make me up a statement which would show certain facts with reference to certain great systems of railroads in the United States. I gave to him six systems. If I remember correctly, the six systems were the Vanderbilt system, the Pennsylvania system, the Gould system, the Harriman system, the Hill system, and the Rock Island system. I said to him: "You take the statistical returns of the railway to the Interstate Commerce Commission and tell me from those statistical returns how many miles of railroads are controlled by those six systems." He did so; and it turned out that of all the railroads in the United States about 55 per cent were embraced in those systems. But, gentlemen—

Says Mr. Prouty—

that did not express it, for the simple reason that the railroads which were embraced within those systems do so much more business and were so much more important than the railroads left out of the systems.

He said two-thirds of the railway capitalization of the United States is embraced in those systems, and 62 per cent of the railway gross rates of the United States are embraced systems. Says Mr. Prouty:

That does not fully express it. The men who are potential in these systems are potential in other railroads in the United States, and competition between the railroads has practically ceased, and if it has not ceased entirely, it will do so in the near future.

What are the American people to do if the railroads are allowed to fix their own rates and the shippers have nowhere to go to complain of their wrongs? Who shall be the judge as to whether or not the rates are reasonable and impartial? The roads represent one side, the shippers the other. It may be possible that the shippers want more than their just dues, and the same may be said of the roads. We are all selfish, looking after our own interest. Then let us have a broad-minded, intelligent, industrious Interstate Commerce Commission, clothed with the power to hear all complaints and to decide what rates are reasonable and just, and give it the power to enforce its findings, to settle the differences between the shippers and the roads. Then you may rest assured that substantial justice in every instance will be done between the roads and the people. This is all any honest man ought to ask.

Mr. ALDRICH. Mr. President, I was greatly interested in the impassioned prayer of the Senator from Georgia [Mr. CLAY] that we should join him in saving the Democratic party and the country from Mr. HEARST and his teachings. The method which he points out to us and asks us to adopt is to pass a measure which Mr. HEARST says he originated, and which he introduced, as I understand, about four years ago in the House of Representatives, in almost the very exact terms of the suggestion of the Senator from Georgia. I agree with a great many things——

Mr. CLAY. Mr. HEARST introduced a bill, but not along the lines on which I have been speaking.

Mr. ALDRICH. I think the Senator is mistaken.

Mr. CLAY. He will find that Mr. HEARST introduced a bill providing that the Commission should originate the rates. That is my recollection.

Mr. BAILEY. Will the Senator from Georgia permit me to suggest that the lines along which the Senator from Georgia has been speaking are the lines laid down by the Republican President?

Mr. ALDRICH. I understand that; but as I understand Mr. HEARST's contention——

Mr. CLAY. I will say to the Senator——

Mr. ALDRICH. Wait a moment.

Mr. CLAY. The Senator will permit me to supplement——

Mr. ALDRICH. No. The Senator will wait just a moment.

Mr. CLAY. All right.

Mr. ALDRICH. Mr. HEARST claims, as I understand, that he introduced a bill in the last Congress, or the Congress before that, in almost identical terms with the suggestions now made by the Senator from Georgia, and I have presented to the Senate petitions from my own State commending the Republican party for having adopted and indorsed, as they claimed, the plan and scheme Mr. HEARST devised several years ago.

Mr. CLAY. I think I know that I am correct——

Mr. ALDRICH. That is a matter about which——

Mr. CLAY. And I am afraid the Senator from Rhode Island has not read the bill which Mr. HEARST introduced.

Mr. ALDRICH. I have read it.

Mr. CLAY. My recollection is, and I have been informed it is correct beyond a question, that Mr. HEARST's bill provided that the Commission should fix all interstate rates on its own motion.

Mr. ALDRICH. There may have been——

Mr. CLAY. I want to say to the Senator, in reply to what he has said, that I have been arguing on the lines the Senator says the President has recommended to us; that the President has adopted our platform on that line—the platform the last Democratic convention adopted in St. Louis.

Mr. ALDRICH. You mean Mr. HEARST and yourself by "our?"

Mr. CLAY. I think the President's message and letter to Congress are on the line of the platform adopted by the Democratic convention in St. Louis, and I want to say to the Senator

that if he will read the opinions of the Attorney-General, the legal representative of this Government, he will find they are on the same lines on which I have been arguing for the short time I have been on the floor.

Mr. ALDRICH. I understand that, but I think the Senator will have great difficulty in destroying whatever credit may belong to Mr. HEARST—whether it is a matter of credit or not is something on which there may be differences of opinion—for having very early presented this panacea for all the transportation evils from which the country is suffering.

I was very greatly surprised that the Senator from Georgia should appeal to this side of the Chamber to save the Democratic party from the inevitable——

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. ALDRICH. I will.

Mr. BACON. Then he recognizes the fact that the President of the United States got this plan from Mr. HEARST?

Mr. ALDRICH. I do not know whether he did or not. I only know what Mr. HEARST has been claiming. I do not suppose that Mr. HEARST or any of his friends had a patent on this policy. I do not know who originated it, but I was surprised that the Senator from Georgia should urge, as an argument in its favor, that he was trying to save this country from Mr. HEARST and his teachings, when he has availed himself of that which Mr. HEARST has advocated in a general way from the beginning of his political life.

Mr. TILLMAN. I wish to suggest to the Senator from Rhode Island that, so far as I have been able to gather from the feeling of Senators, this can not be made a party question, and it ought to rise above partisanship.

Mr. ALDRICH. That is the reason why I was surprised at the appeal the Senator from Georgia was making.

Mr. TILLMAN. I do not think the Senator from Georgia made an appeal along that line. He was merely speaking in general terms, that municipal ownership, which would be the predecessor of national ownership, is a specter that we all see down the road somewhere, and that we might stop it if we would be rational and patriotic.

Mr. ALDRICH. I understood the Senator from Georgia to say that the principal reason, or at least one of the great reasons, why we should promptly adopt this policy was that we might be saved from Mr. HEARST.

Mr. TILLMAN. From national ownership.

Mr. ALDRICH. Whatever it is.

Mr. CLAY. The Senator misunderstood me.

Mr. ALDRICH. Perhaps I did.

Mr. CLAY. I did not say any such thing. I said that the popular feeling in favor of Government ownership was growing, as was shown in the mayoralty race where one of the leading candidates was in favor of municipal ownership. I distinctly said that in order to save the country from the idea of governmental ownership Government regulation was necessary and proper, and that I believe it to be right and proper outside of that question.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Ohio?

Mr. FORAKER. I have been trying to get an opportunity——

Mr. ALDRICH. I think I have the floor.

The VICE-PRESIDENT. The Chair will state that it will expedite business if Senators will wait for recognition by the Chair. The Senator from Rhode Island has the floor. Does he yield to the Senator from Ohio?

Mr. ALDRICH. I do.

Mr. FORAKER. I wish to ask the Senator from Georgia a question. I have been trying for a good while to do it, and I think that now is a good place.

Mr. CLAY. I should like to ask the Senator, Does he contend that he has not asked me a question before?

Mr. FORAKER. Oh, I have asked the Senator several questions, but not anything like as many as I have been disposed to ask him. But I did not want to interrupt him. I do not want the Senator to think that because I have been sitting here listening in silence to most of his speech that I believe there is very much in it. He will therefore permit me to say I do not.

I understood the Senator to say that he favors this proposition, among other reasons, because it will save us from Government ownership. I wanted to ask the Senator right here whether he can tell us of any man in all this country who is in favor of Government ownership who is not in favor of this proposition?

Mr. CLAY. I beg to say that I have never been close to the political party in favor of Government ownership or the public men who advocated Government ownership. I do not know how those who favor Government ownership feel in regard to Government regulation. I may be mistaken about it, but I believe that 75 per cent of the American people are in favor of clothing the Interstate Commerce Commission with power to investigate complaints and to fix reasonable and just rates.

Mr. BAILEY. Mr. President——

Mr. ALDRICH. Now I will yield to the Senator from Texas.

Mr. BAILEY. Mr. President, the Senator from Rhode Island and all other Senators know how much I deprecate making a partisan issue over any question. On this side we give evidence of our willingness to forego party advantage when we permit a Republican President to take bodily from our national platform an important plank and make it as his recommendation to Congress without a syllable of complaint. We manifest not only a willingness but an eagerness to vote for it, and it comes with bad grace from that side when a Senator on this side espouses the policy of the President for a distinguished Republican leader to rebuke him by an allusion to a Democrat who happens not to be popular with the Senator from Rhode Island or those who think with him. That particular Democrat may or may not be popular on this side of the Chamber. Some of his views are undoubtedly rejected. Some of his views, I have no doubt, would receive a cordial support.

I doubt if there is any man in this country claiming to be a Democrat and of sufficient prominence to make it worth while to consider what he says or does who does not advocate some measure acceptable to all of us. One measure might be acceptable to gentlemen on the other side, another measure might be acceptable to those on this side, and it would be no just ground of criticism from us against you or from you against us that on a particular measure he concurs with us.

But I rose merely to ask, in a spirit of absolute nonpartisanship, why the Senator from Rhode Island and his associates can not agree upon a bill substantially in the very words of the President's message? That the Senator from Rhode Island does not accept the wisdom of a Republican President is not strange to us who know the Senator or who know the President. The Senator from Rhode Island is nothing if not conservative. The President of the United States is nothing if not emotional. It is utterly impossible to conceive two characters so wholly dissimilar as the Senator from Rhode Island and the President of the United States. And yet I must assume that both the President of the United States and the Senator from Rhode Island want to do equal and exact justice both to the railroads and to the shipper.

Now, if the Senator from Rhode Island is willing to maintain before the Senate and in the presence of the country that a bill along the lines so earnestly and so ably advocated by the Senator from Georgia will not do justice, then I recommend that he settle his quarrel within his own party, beginning this adjustment with the President of the United States himself.

Mr. ALDRICH. Mr. President, I regret as much as the Senator from Texas possibly can the injection of partisanship into this discussion. I certainly am not the guilty party.

Mr. TILLMAN. You are the very man.

Mr. ALDRICH. It was the Senator from Georgia who begged us to save the country from a leading Democrat whose position to-day is so overshadowing that there is hardly a man on this side of the Chamber or that who does not believe either he or Mr. Bryan will lead the Democratic party in the next national campaign. I deprecate, I say again, as much as the Senator from Texas can that the discussion has taken any such direction. I say we have had fully shown the spirit of the Senator from Georgia, which led him for reasons of his own to bring into this discussion a personality which might be used, in his judgment, to frighten this side and that from doing what they think might otherwise be their duty. But that is not what I arose to say. The Senator from Georgia——

Mr. BAILEY. Will the Senator from Rhode Island permit me?

Mr. ALDRICH. Certainly.

Mr. BAILEY. The Senator has been good enough to tell us who will be the Democratic nominee at the next Presidential election. Will he now be good enough to tell us who is to be the Republican nominee?

Mr. ALDRICH. There is no such consensus of opinion in Republican circles as there is in Democratic, I am happy to say.

Mr. BAILEY. We are not altogether a harmonious family, but the only difference between us and you is that we speak our differences a little louder than you do. The differences in the Republican party are to-day more violent than they are with us. I do not invite you to discuss those differences in public; but having volunteered to inform the country in advance whom we would nominate—and I am free to say that if we knew what you wanted us to do we would be certain to do the other thing

if we are rational—it seems to me the Senator, who professes to know so much about our party, ought to know something about his own, and I should like to have him state what he thinks of the publication in this morning's paper that the President is to be a candidate for a third term upon a platform "against the money power."

Mr. ALDRICH. Mr. President, there was just one serious point in the speech of the Senator from Georgia which I can not overlook. He states that the entire railroad interests of the country are controlled by six different groups of interests.

Mr. CLAY. Mr. President, I read the testimony of an Interstate Commerce Commissioner.

Mr. ALDRICH. Yes; that is right. Now, if I understand the logic of his argument, it is that there is but very little competition now existing in rates or facilities for transportation in the United States, on account of the fact that all the railroad business of the country is concentrated in a few hands. Now, what does he propose as a remedy? He proposes to consolidate every mile of railroad in the United States in one combination. He proposes to give into the hands of a commission arbitrary power to fix every railroad rate in the United States and to destroy beyond any power of recovery every vestige of competition; to create, in other words, one great railroad combination.

Mr. CLAY. Will the Senator yield to me right there?

Mr. ALDRICH. No; let me finish the sentence.

The VICE-PRESIDENT. The Senator from Rhode Island refuses to yield.

Mr. ALDRICH. I will in just a minute. He proposes to put in place of six great influential railroad combinations one monster combination, under Government control and Government regulation, with no power to change rates on the part of anybody after they are once established by the Commission and ratified by the courts. He proposes to destroy the last vestige by law in the name of Democracy and in the name of the people. He proposes to wipe out what there is left of possible competition in transportation, and by what would be an infamous project give one commission, without appeal and without review except upon some unimportant collateral questions, the arbitrary power to fix rates, not alone for the railroads, but for the shipper, for you and me, and every man in the country who would thus be made to bow down to this monster who would have in its clutch the great business interests of this country, put there by your votes—you who speak or pretend to speak in the name of Democracy and the people.

Mr. CLAY. Mr. President, the Senator from Rhode Island has said that I stated in my argument that I desire to place arbitrary power in the hands of the Interstate Commerce Commission to fix rates, and without any appeal from the decisions of that Commission, whether those rates were reasonable or not.

Mr. ALDRICH. Oh, no; I did not say quite that.

Mr. CLAY. I think I heard the Senator.

Mr. ALDRICH. I said the power to fix rates which when once approved by the courts could not possibly be changed.

Mr. CLAY. Why, Mr. President, the Senator knows well that the Interstate Commerce Commission during the ten years it exercised that power frequently changed the rates the Commission had already made. No Commission ought to be permitted to make a rate that shall stand for all time. Different circumstances may arise; different conditions may arise; and the Commission ought to be empowered to lower or increase the rate if different conditions should arise. Now, let us see——

Mr. ALDRICH. But——

Mr. CLAY. Let me get through. Mr. President, all I propose to do is simply to say to the Commission, "You shall do right;" that the Commission shall say to the railroads, "You shall do right. You shall make reasonable and just rates. If you do, they stand; if not, they will be set aside." And, Mr. President, the Attorney-General has joined the Democratic party on that line. The Republican party has joined the Democratic party on that line. Convention after convention, chamber of commerce after chamber of commerce, has joined the Democratic party on that line. But what says the Senator from Rhode Island? Railroads draw out of the pockets of the people $2,000,000,000 for passenger fares and freights every year. Shall the roads continue to fix the rates and the shippers have nowhere to go to make their complaints and redress their wrongs? Must the shipper be bound by the rates fixed by the roads, whether reasonable or unreasonable, and will the Republican party leave the law in this condition? Is that the position of the Senator from Rhode Island?

Mr. ALDRICH. I made no such suggestion.

Mr. CLAY. I am not through yet.

The VICE-PRESIDENT. The Senator from Georgia declines to yield.

Mr. CLAY. I will yield in one minute.

Mr. President, the Senator from Rhode Island says that notwithstanding the fact that the railroads exercise the right of eminent domain, that they can condemn our homes and our farms, and that is right and proper, and notwithstanding the fact that they get their life from the State and the Government, he denies to Congress the right to give to any tribunal the right to hear the complaint of the shipper, even though the rate fixed by the roads may be ever so unreasonable and unjust. He says, "Be silent; stand right where you are." He has offered no remedy. Mr. President, he has said that the roads ought to fix their own rates, and whether reasonable or unreasonable these rates ought to stand. He suggests no remedy. He belongs to that part of his party that believes in letting well enough alone, and says there shall be no interference; that a citizen shall have nowhere to go if the roads confiscate his property; if they destroy private industries, then the citizen is without any remedy. The railroads doubtless will agree with the Senator from Rhode Island, but I doubt if the American people will approve his doctrine.

Mr. ALDRICH. The Senator from Georgia in the last ten minutes has been undertaking to express my opinion, when I have carefully abstained from expressing one single suggestion as to my own position. I have not stated, directly or indirectly, what my judgment or idea is in regard to this subject, and his statement in that connection is entirely a figment of his own imagination. I have made no statement of any kind as to my own views about this matter.

I was trying to conduct, I trust modestly, an inquiry into the arguments presented by the Senator from Georgia to test their validity and their logic, and to make such suggestions in connection with them as seemed to me to be wise. I am a member of the Interstate Commerce Committee and in a certain sense a judge with reference to all these questions. I will speak sooner or later and will be able to show the Senate, both by vote and voice, what my position is. In the meantime I shall ask the Senator from Georgia to excuse me if I do not make him my mouthpiece, and do not accept his utterances as official as far as I am concerned.

Mr. BACON. Will the Senator allow me?

Mr. ALDRICH. Certainly.

Mr. BACON. To what measure did the Senator refer when he spoke of it as an infamous measure?

Mr. ALDRICH. I did not speak about any measure as infamous. It was not a measure, but a proposition.

Mr. BACON. A distinction without a difference, I should judge.

Mr. ALDRICH. I meant a proposition which would commit to the Interstate Commerce Commission or any other commission a power to arbitrarily fix rates without any review by the courts.

Mr. BACON. That is the proposition.

Mr. ALDRICH. That is what I meant, one thing I understood the Senator from Georgia [Mr. CLAY] was contending for.

Mr. NEWLANDS. Mr. President——

Mr. CLAY. I did not say any such thing.

Mr. ALDRICH. Well, all right. I must have been mistaken.

Mr. CLAY. Now, the Senator understands me.

The VICE-PRESIDENT. The Senator from Nevada has the floor.

Mr. NEWLANDS. I wish to ask the Senator from Rhode Island a question and that is with reference to the consolidation of railroads in this country. He referred to the fact that there were already six great consolidations.

Mr. ALDRICH. I was speaking of the statement of the Senator from Georgia.

Mr. NEWLANDS. He was speaking of one monopoly and he insisted that the effect of this would be to force all those six consolidations into one consolidation. Now, I should like to ask him whether he regards this tendency toward consolidation in the country as a good tendency, one involving a benefit to the people of the United States or one involving an injury?

Mr. ALDRICH. Does the Senator want an answer?

Mr. NEWLANDS. Yes, sir.

Mr. ALDRICH. I think, so far as it leads to economy in the cost of transportation and reduces the rates, it is wise and should be fostered. Whenever it absolutely prevents competition—that is, so far as competition can be suppressed—I think it is wrong.

Mr. NEWLANDS. The Senator recognizes the fact that every combination does in some degree diminish competition, does he not?

Mr. ALDRICH. No.

Mr. NEWLANDS. The Senator therefore thinks that no combination which in the slightest degree——

Mr. ALDRICH. Oh, no; I did not say that.

Mr. NEWLANDS. Affecting competition is wise?

Mr. ALDRICH. I did not say that.

Mr. NEWLANDS. Very well; may I ask the Senator what view he does have on that subject?

Mr. ALDRICH. Where the balance of advantages to the public outweigh the disadvantages I should say that combination should be encouraged.

Mr. TILLMAN. Who is to be the judge of that?

Mr. NEWLANDS. Mr. President, I wish to say a word regarding this tendency toward consolidation. One fault, I think, with all legislation pending before Congress is that it does not assume national control of these consolidations of railroads engaged in interstate commerce through a national incorporation act, preventing those that are not and permitting those that are in the interest of the public. I recognize the fact that the economic tendency of the times, so far as transportation is concerned, is to merge the numerous railroads in this country into a few great systems; that these combinations have been beneficial to the public and to the country, resulting in better administration and in a diminution of operating expenses, and that they ought to result to the benefit of the public in the gradual reduction of rates.

I insist upon it that transportation always involves monopoly; within a sphere, either large or small, that if the Government undertook the conduct of transportation in this country it would mean a governmental monopoly; that when that transportation intrusted to private corporations it means monopoly of transportation by that corporation except at points common to two competitive lines; that it is an absolute monopoly as to every station which is not intersected by two competing lines; and we know that to-day most of the stations of the country are stations which have no competing lines. So within the sphere of their operations, except in certain towns or cities through which other independent lines run, the operation of every railroad means a practical monopoly.

We have been going on in this line of consolidation, the numerous railroads at first being consolidated into 600 operating railroads, and these finally being organized into various groups, each of them having a mileage of from 10,000 to 20,000 miles, each of them so thoroughly under the control of a single individual that the group would bear the name of the individual.

So it is that we have consolidations in this country bearing the names of Mr. Gould, of Mr. Hill, of Mr. Morgan, of Mr. Harriman, and others. The entire railroad world and the country at large recognize the fact that each one of these consolidations, each operating from one-twentieth to one-tenth of the entire railroad mileage of the country, is practically under the control of one man.

How do you propose to remedy this? By giving the Interstate Commerce Commission the power to fix rates, upon challenge of the shipper? I believe in giving it that power, but it will not meet the requirements of the situation. Consolidations themselves should be put under national control by the organization of national corporations, whose jurisdiction should be as broad as interstate commerce itself. We should not permit these consolidations to be going on, the laws of individual States issuing letters of marque to particular corporations to prey upon the people of other States.

I therefore suggest that one step in securing the proper control of the transportation of the country should be that we should legalize desirable consolidation. The existing consolidations have been effected against the law; they have been effected as a result of the irrestible economic tendency of the time. I believe that most of them have done good. But they should, in my judgment, be regulated by law, and the question of consolidation or the extent of consolidation should not be left to the judgment of individuals, with whom private profit is the controlling factor. The fault that I have to find with the existing system of consolidation is that a few individuals, possessing great wealth and power, can determine what consolidation shall take place, and can employ shrewd lawyers, who teach and instruct them how to evade the law and how to form combinations against the law. We have had one of these combinations tested in the courts, the combination covered by the Northern Securities cases, and involving pretty nearly 20,000 miles of railroad; a consolidation which, in my judgment, if effected under the sanction of law and properly controlled in its capitalization, would have been beneficial to the country.

The promoters of this consolidation sought to accomplish it against the law, against the statute of the United States forbidding it, and when it was tested the Supreme Court annulled it. I have no hesitation in saying that at least half of these great consolidations which have been effected in the country would to-day, if submitted to the courts, be dissolved under the Northern Securities decision. I believe that almost all of these combinations are to-day existing in violation of law and against the express provisions of law.

I have no hostility to combinations made under proper sanction and public control, but I object to consolidations accomplished against the restraints of the law or accomplished without proper control, either as to desirability in the public interest or as to capitalization. Therefore, I say that the nation should take up this question of the consolidation of railroads engaged in interstate commerce and, by the passage of a national incorporation act, place such consolidation of interstate roads under the control of the only sovereignty capable of dealing with the subject completely and comprehensively in the public interest.

The National Government should do this, simply because it is the only Government of all the people of the United States, and transportation affects all the people of the United States. There is not a single system of transportation which involves only the people of an individual State. Therefore the general welfare, the welfare of all the people of the United States, demands that the National Government should act upon this question, and should act now. We have our sanction under the provisions of the Constitution which give us the right to legislate for the general welfare, to legislate with reference to the national defense, into which transportation enters as a large factor, to legislate with regard to post-offices, post-roads, and the transportation of the mails, to legislate regarding interstate commerce. To-day three-fourths of our business is interstate commerce. In the Nebraska Maximum Rate Case it was pointed out by the court that only one-twentieth of the business of the roads of that State was State business, and that nineteen-twentieths of it was interstate.

So I insist, Mr. President, that this legislation ought to be entered upon by the sovereignty which represents the entire people, and that a State, an individual State, is utterly incapable of dealing with it. Yet these individuals, seeking a consolidation, seeking to carry out the irresistible tendency of the times toward the economic development of transportation, have been obliged to go to individual States in order to get their charters. To-day the State of New Jersey is the State under which the Rock Island system is controlled—the Rock Island system, with its 20,000 miles of railroad, and with not a mile of track within the State of New Jersey.

So far as the Southern States are concerned, what do we find there as the result of the war and the economic distress following? All the southern railroads having passed through foreclosures and receiverships innumerable, have been consolidated into three great systems of transportation, embracing pretty nearly 30,000 miles of road, nearly the entire mileage of the South—the Southern Railway system, with 10,000 miles; the Atlantic Coast system, with 10,000 miles, and the Illinois Central system, with about 6,000 miles. All the transportation of the South and the Gulf, instead of being under the control of local corporations, is to-day under the control of systems whose central organization is in States outside of those through which they run.

How was the Southern Railway system organized? It was organized out of the Richmond and Danville. The reorganizers who purchased it went to the legislature, and they were authorized to reorganize under whatever name the incorporators saw fit. Did the legislature confine them to the reorganization of that particular road? Oh, no; they were given unlimited power for the purchase and consolidation and lease of lines in other States. The only limitation as to capital put upon this great corporation was the sum of $350,000,000—$350,000,000 to reorganize the Richmond and Danville system, a railroad in the State of Virginia. It is very apparent by the terms of the act that the purpose was all embracing; that the intention was to accomplish the consolidation of numerous railroads, even though they were competing railroads. We have only to glance at the map to see that these numerous competing railroads were absorbed into one corporation. That corporation exists to-day, with about $180,000,000 of bonds and about $180,000,000 of stock issued, and with an unlimited authority to issue more bonds for consolidation and purchase, and to issue stock to the extent of $170,000,000 more.

I ask the Representatives here of the State of South Carolina and the Representatives of the States of North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Tennessee, and Kentucky, into which States this great line enters, is it better for them to have such transportation system incorporated under the laws of Virginia, in whose legislation they do not share, or would it be better to have that consolidation incorporated under the laws of the United States, in whose legislation they all share through their Senators and Representatives in Congress and through a President elected by the States? Do

they regard this legislation as legislation that is affecting only the welfare of the people of Virginia, or do they regard it as legislation affecting every Southern State through which this Southern Railway system passes?

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. TELLER. Let me ask the Senator, Does he mean to assert the opinion that because Virginia gave those corporations the right to go into Kentucky, Tennessee and other States they have any rights there except such as Kentucky, Tennessee, and the other States agreed they should have?

Mr. NEWLANDS. No; I do not.

Mr. TELLER. Does the Senator mean to say that the Congress of the United States can create a corporation in the District of Columbia to carry on operations in the State of Colorado, if it sees fit?

Mr. NEWLANDS. I do; so far as interstate commerce is concerned. The United States can organize a corporation for the purpose of engaging in interstate commerce, and it has already done so. That question is foreclosed. The United States organized the Northern Pacific Railroad Company, a corporation which now traverses five or six States, though at the time these States were Territories. It is true that in the case of the Union Pacific Railroad the road runs from the boundary of the State of Iowa to the boundary of the State of California. That was, it is true, territory of the United States, but in the case of the Texas Pacific Railroad authority was given by Congress to that corporation, a national corporation, to build from a point in the State of Texas to a point in the State of California, passing not only through two States, but through two Territories, and that legislation has been upheld. So the United States, having authority over interstate commerce and legislating for the entire people of the United States, can form a corporation for the purpose of constructing and maintaining an interstate road.

The Senator inquires whether I contend that a corporation organized under the laws of the State of Virginia can, without the consent of the States of Georgia, of Florida, of Alabama, and of Kentucky, enter those States. I say no; but, as a matter of fact, such a corporation has entered those States.

Mr. TELLER. But has it not been with their permission?

Mr. NEWLANDS. Presumably; but so far as the legislation I have looked up on this question is concerned I find it to be of the loosest character; and it is because such legislation is loose, and because the legislation of every State must be loose with reference to commerce outside of its borders, that the United States should assume its rightful domain and its rightful jurisdiction.

Why do I ask that the United States should assume this jurisdiction? Simply because the roads were organized, in the first place, as State roads. No one contemplated that any of these roads would finally run through so many States. It was never contemplated in the beginning of their construction that there would be a continuous line—a great system embracing roads which would be in operation over one-third or one-half of the States of the Union.

This consolidation has been effected with a machinery that was entirely inadequate. I can not but admire the genius of the men who have framed these great combinations, while I may condemn the rapacity of some of them. I can not but admire the great constructive genius which has organized machines that meet our economic requirements and serve the entire country; but I believe that they have done it against the laws condemning restraint of competition in many cases, and that so far as the sanction of the States has been given to these systems it has been secured largely by pressure, and the legislation has been loose in the extreme. I wish to substitute for this State and divided control, for the varying legislation of forty-five different States involving forty-five different systems of law, a single law of incorporation and consolidation enacted by the legislative body of a sovereignty embracing the entire people and having jurisdiction over every foot of our country, regardless of State lines, in a matter properly intrusted to it under the Constitution.

But I wished also to refer to the Atlantic Coast Line system, which has over 10,000 miles of railroad, or more than one-third of the entire mileage of ten Southern States. That company was also organized under the laws of Virginia, with a liberal provision in its charter for the reorganization of a particular road in Virginia, with no limit on bond issues and a high limit on its stock issues and almost unlimited power of purchase, consolidation, and lease. There have been various organizations and reorganizations of that road, until the system now has 10,000 miles in ten different States. What have they done? Not content with consolidation under the laws of Virginia, they have resorted to the State of Connecticut, and the control of that entire system of railways is now vested in a holding company organized under the laws of Connecticut, which has not within its limits a mile of the track of the system that it controls. I ask Senators from the Southern States whether they would prefer to have the legislation under which these systems can be consolidated the legislation of a particular State in which they can not by any possibility share or whether they would prefer to have the legislation of the United States, in which they all share?

The Atlantic Coast Line system, in the first place, after numerous consolidations, involved only about 6,000 miles of railroad. It has now nearly 10,000. How was it enlarged? It was enlarged by consolidation with or rather the absorption of the great Louisville and Nashville system, embracing about 4,000 miles. How was that accomplished? We all know the history of it. It is said that Mr. Gates, of the steel trust, made a raid upon the Louisville and Nashville stock and obtained the control of it, and Mr. Morgan, who was the controlling mind of the Southern Railway system, and who has influence in the Atlantic Coast Line system, became alarmed. He says in his testimony that he did not regard Mr. Gates as a proper person to have control of the transportation of the Louisville and Nashville. Their real fear was that the Louisville and Nashville would be conducted as a competing road, as a wrecking road, and that it would be conducted in such a way as to compel the Atlantic Coast Line and the Southern Railway Line, two competing lines, to come to terms and to give them a large profit; and so they concluded, and they wisely concluded, to come to quick terms with Mr. Gates.

It was found that Mr. Gates was willing to part with his stock at a considerable advance over what he had paid for it—and let me say here that the operations in acquiring a control of the stock had led, of course, to a great advance—so that finally those gentlemen purchased from Mr. Gates the control of the stock of the Louisville and Nashville road at a price very much above what its market value was before Mr. Gates commenced his operations.

How was that purchase accomplished? Did Mr. Morgan buy it? Did the Southern Railway Company buy it? Oh, no! Mr. Morgan was, doubtless, advised that the Southern Railway could not buy it, because the Louisville and Nashville was a competing system, and the principle of the Northern Securities decision would apply to it, for the Southern Railway Company has two entrances from the North to the South—one toward New York, east of the Appalachian Mountains, and one toward Chicago and Cincinnati and Louisville, to the west of the Appalachian Mountains—and the field of the operations of the Louisville and Nashville road was in the region west of the Appalachian Mountains and in the same States.

So, fearing that this combination with the Southern Railway Company might be void under the Sherman Act as in restraint of competition, Mr. Morgan doubtless communicated with his friend, who was in control of the Atlantic Coast Line, and in a short time the transaction, involving millions, was carried out. The Atlantic Coast Line, which up to that time had a system of railroads simply down the coast, acquired the Louisville and Nashville, and then the entire area of the Atlantic Coast Line becomes coterminous with that of the Southern Railway system; but the very intimacy of the negotiations between the Atlantic Coast Line and the Southern Railway system regarding the acquisition of the Louisville and Nashville tends to prove that the Atlantic Coast Line and the Southern Railway Company, while apparently competing lines, were really under one control; and when the Atlantic Coast Line secured the control through the absorption of the Louisville and Nashville system, it really made a still further consolidation of control in that entire area, so that to-day these two great systems, together with the Illinois Central, have a practical monopoly of the transportation of the ten or more Southern States.

I wish to add again that what I say is not hostile to that combination. I believe that it has been a good thing for the South. I believe that it has given to them for the first time in their history an efficient service. I believe that it has reduced operating expenses. I believe that it has extended the trade and commerce of the South, and has been an important factor in its development. All I insist upon is that there has not been a proper control over the capitalization of these systems, and this very operation to which I have referred, adding $50,000,000 to the stock of the Atlantic Coast Line, and the purchase of stock at an exaggerated value, must ultimately fall as a burden upon

the southern people in the imposition of higher fare and freights.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Florida?

Mr. NEWLANDS. Certainly.

Mr. MALLORY. Can the Senator inform the Senate whether that consolidation resulted in any change of rates on those three roads—the Louisville and Nashville, the Southern, and the Atlantic Coast Line?

Mr. NEWLANDS. I can not. I think that probably they acted very moderately so far as any increases are concerned, but we do know——

Mr. BAILEY. Mr. President——

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

Mr. NEWLANDS. If the Senator will allow me to finish my sentences I will yield to him.

But we do know there is great complaint in the South to-day. The towns at the intersecting points of these systems have advantages over points that are not intersected by two railroads. Now, I ask if those two systems are practically consolidated and there is no real competition, why should the stations which have two intersecting lines have an advantage in the cost of transportation over their neighboring towns having no such intersection?

I now yield to the Senator from Texas.

Mr. BAILEY. Mr. President, it does not relate to the line of thought the Senator from Nevada is now pursuing, but I am not willing to allow his statement to stand unchallenged that the increase of $50,000,000 in the capitalization of these roads shall ultimately fall as a burden upon the people whom they serve. If my view can prevail, and the right of the States within their borders to regulate freight charges and the right of the Federal Government within its borders to regulate freight charges shall be established and exercised, then it will make no difference in the regulation of those charges what may be the capitalization, because the charges will be fixed upon the basis of actual value; and the value of the railroad is not determined by the amount of the capital stock or of the bonded indebtedness. Those things are circumstances to be taken into consideration merely as tending to establish the value of the property; but the criterion at last must be the value of the property. In my judgment, if the court ever reaches the time when it must specify what is the actual value of the property, it will be compelled to say it is the cost of duplication. So far as I am concerned, while I am utterly opposed to the practice of overcapitalizing railroads, and think all the States would better follow the example of the State of Texas and make that overcapitalization either in the way of bonds or stocks impossible, still I will not consent because some State has made the mistake of not limiting the capitalization to a proper value that that fact shall impose a burden upon the people who use the railroads.

Mr. NEWLANDS. I quite agree——

Mr. ALDRICH. Will the Senator from Nevada allow me to ask the Senator from Texas a question which I think is very pertinent?

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. I should prefer to go on, but I will yield to the Senator if it is not a digression.

Mr. ALDRICH. I think it is not. At the risk of incurring the displeasure of the Senator from Texas——

Mr. BAILEY. The Senator can not do that.

Mr. ALDRICH. I should like to ask him whether we are to receive the doctrine set forth by the Senator from Georgia [Mr. CLAY] or that set forth by the Senator from Nevada [Mr. NEWLANDS] as the true Democratic doctrine? I must confess I am a little confused. The speeches come very near together, but they are more or less divergent in their views.

Mr. NEWLANDS. I can only say for myself that I am presenting my individual views. As to whether my party will embrace them or not, I do not know; I hope it will; and I hope that members of the Republican party will also embrace them. But I do not think they involve any question of party doctrine, nor do I think they involve any invasion of the rights of the States. I think that they involve simply a proper exercise of the rights and powers of the United States.

Mr. BAILEY rose.

Mr. NEWLANDS. If the Senator will permit me, I want to go on and answer his previous statement. I am afraid that we shall be drawn off into a discussion of side issues.

Mr. BAILEY. I do not intend to make any reply to the inquiry of the Senator from Rhode Island [Mr. ALDRICH], because that answers itself; but I want to ask the Senator from Nevada a question upon the point he stated at that precise moment. He says that this does not involve any invasion of the rights of the States. I call the attention of the Senator from Nevada to the statement made by the Supreme Court in the Texas Pacific Railroad case, in which they very strongly intimate that Congress can deny a State the power to regulate these intrastate charges, simply because the railroad whose charges they seek to regulate holds a Federal charter. Now, will the Senator from Nevada give the Senate the benefit of his views upon that question, and will he not admit, if the Supreme Court should follow that intimation to a conclusion to the same effect, that it would be a serious invasion of the rights of the States?

Mr. NEWLANDS. I am not prepared to say that if the Supreme Court determines that a national corporation is free from the control of a State tribunal as to such rates, or free from the control of an individual State as to taxation, it involves a serious invasion of the rights of a State. On the contrary, I trust that the Supreme Court will uphold that view, though I fear that it will not, and my proposition does not involve going to that extreme.

I say that it does not involve any invasion of the rights of a State, simply because I believe that the States, as representing the sovereignty of particular areas constituting a part of the United States, are interested in seeing to it that the United States exercises the full powers conferred upon the National Government by the Constitution; but I do not see how the United States can exercise properly the full powers given to the United States for the national defense, for the operation of post-roads, for the regulation of interstate commerce, without creating for that purpose artificial machines called "corporations."

I think that the States as part of the great United States are interested in seeing that those operations should not be embarrassed by the exercise of State powers, which may be destructive of the purpose we have in view. It has been held and declared by the Supreme Court that the power to tax involves the power to destroy; that you can not therefore tax the operations of a national instrumentality, and I should be glad if the Supreme Court would go further and declare that inasmuch as a railroad is the instrumentality through which the United States exercises its functions of the regulation of interstate commerce, that instrumentality shall be free from State taxation. But I would insist upon it as a part of the legislation of the nation that the United States itself should lay down a just and fair rule of taxation, proportionate, just, and fair to all the States, permitting them to tax this national instrumentality, so that their revenue would not suffer. I think it would be infinitely better than the present system of subjecting these great corporations, operating through many States, to the taxing power of all the States through which they pass, those taxing powers being exercised in almost every kind of way, some of them under the influence of tax reformers, some of them under the control of cranks, some of them under the inspiration of blackmail, with the result that the railroads are thrown into the bull ring of politics; and then we wonder why they are there.

When you think of the wide range a State now covers in assessing railroads—from the valuation merely of the right of way and the tracks to the combined value of the stocks and bonds in the market—when you reflect that in addition to that a State can take hold not only of the corporation and assess and tax all its property and franchises, but can also assess and tax the stocks and bonds in the hands of individual bondholders and stockholders, thus taxing the whole to the corporation and the parts to the stock and bond holders—a double taxation—you can see the wide range for the blackmailer or of the tax crank. I believe it is in the interest of all the people that taxation of railroads should be put upon a scientific basis, and that the fixed charges of railroads for taxes should not be subject to the varying legislation or to the varying caprices of States in their legislation, but that a just, fair, and proportionate rule for taxation should be prescribed by one great sovereign, the fruits of which should be enjoyed by the States in same just proportion.

It is one of our duties in shaping pending legislation to take the railroads out of politics by making all the factors of their taxes and fixed charges as certain as possible. Thus far, instead of taking them out of politics, we are continually keeping them in by unwise legislation or lack of legislation.

There are $10,000,000,000 invested in these properties. Do you expect the men charged with the responsibility of those $10,000,000,000 to sit idly by when forty-five States are legislating upon the subject of their taxation? Do you expect them to sit idly by when tax reformers and tax cranks are pressing their views upon every community, when the judgments of forty-five different boards of equalization as to the rule that should control are at variance; when the assessors throughout the coun-

try differ as to the rule that should control? When this is the state of facts, do you expect them to fold their arms and say, "We will do nothing," or do you expect them to get into politics? And what does getting into politics mean with a corporation? One way of getting into politics is to bribe every official that they have anything to do with, or attempt to do it. Another is to endeavor to control the political organizations of both parties in a particular State; and they have found that the more decent and the more honest way is to attempt to control the political organizations of both parties.

We know that in all the various States to-day when conventions are held it is a matter of calm and anxious inquiry by the practical politician as to whom the railroads want on the board of equalization, whom the railroads want for assessors, as to whom the railroads want on the board of railroad commissioners; and if the railroads' wants are not consulted the practical politician understands that all the power and all the influence and all the money of that corporation are to be used against his political organization; and the same condition of things exists in the opposing party.

So if the railroads get identified with the machines in every State in the Union, if they control or try to control the nomination and election of officials whose duties touch them either as to taxation or regulation, if they seek to control the legislation of the State as to the laws that shall be passed, and if you ask me what is the cause of the low standard of politics, both as to municipal and State legislation, I will point you to the enforced interference of the railroads in politics through our failure to adopt a wise and rational system of national incorporation of interstate railroads which will fix proper rules for capitalization, for taxation, for return on capital, and other matters now left indeterminate.

I believe that the National Government, representing all the people and voicing the will of all the States, should enter upon the comprehensive work of giving a proper, a complete, and a fair system of taxation, one that will not oppress the roads, one that will make them respond fairly to their obligations to the public, and one that will make the taxes mathematically certain, such as a tax upon gross receipts. That tax would not be measured by the capacity or incapacity of a given official, his discretion or lack of discretion, his honesty or lack of honesty.

So far as concerns the matter of the regulation of State rates, I admit that a more difficult question is presented. But whatever may be the State rates which are fixed by a State regulating body, they finally come, if challenged as confiscatory, under the jurisdiction of the national courts. The interstate rates and the State rates, so far as justice and fairness are concerned, are ultimately determined by a national tribunal. So the State would be powerless, judged by this rule, to embarrass the operation of a national corporation. Besides, the State business is so small, in the State of Nebraska aggregating only one-twentieth, throughout the entire Union embracing only one-fourth, that we might well concede the right of the States to regulate the State rates without imperiling the system to which I have called your attention.

The Senator from Texas alluded to the system which prevails in Texas, and here let me say that there are two States in the Union which have enlightened legislation regarding railroads, and those two States are the antipodes of our country. They are Massachusetts and Texas. Both of those States absolutely guard and control capitalization as an essential factor in determining what the public utilities shall charge for their services. The Senator from Texas is quite right when he insists it is not a controlling factor; that the real factor is the value, but the Senator will admit that capitalization is oftentimes an embarrassing factor.

As to overcapitalization, when a corporation is created the men who create it do not long hold the securities which they have created. They put them off on the public through the stock exchanges, which they manipulate and control. The securities fall into the hands of the honest investors of the country—into the hands of women and children, of the widows in whose behalf we hear so many appeals made. Those appeals have a certain weight. The claim is made that, inasmuch as society has stood by and permitted this overcapitalization to be created, it should not so exercise its arbitrary power as to deprive those who are the innocent victims of the act of overcapitalization of the value of their property, which has been fixed in the markets.

What does Texas do? Here let me say that what I wish to do is to nationalize the system of Texas, the best system in the country, in my judgment better even than that of Massachusetts. What did they do under the inspiration of Judge Reagan and during the gubernatorial administration, I believe, of the senior Senator from Texas? They provided that no stocks or bonds could be issued without the approval of the State railroad commission, and that such approval must be stamped upon the securities themselves. And besides this the law limits the return of railroad corporations to 6 per cent upon their capital. The result is that Texas is one of the best controlled States in the Union as to these public utilities. It is true that Mr. Marowetz, the eminent authority on corporation law, when he appeared before our committee and was questioned by me with reference to the system prevailing in Texas, insisted upon it that it had discouraged railroad building; that the railway investors of the country actually avoided Texas, because Texas gave no opportunity for speculative reward, and that the securities of Texas roads were but little sold upon the New York exchange.

The senior Senator from Texas had a reply to that statement published as a public document. (I have it not before me, for I have just dropped into this debate and am not armed at all with notes or references.) It is a letter from one of the railroad commissioners of Texas, in which he challenges that statement, and shows by the record that the securities of Texas roads are so sold, but he accounts for the fact that a large number of their securities are not upon the market because they have been purchased by these great holding companies which have been organized under the laws of other States, and they are held in block in the treasury of these great systems. But as to the discouragement of railroad building, he points to the fact that Texas is the third State in the Union in the matter of mileage. The only two States that surpass it are Pennsylvania and Illinois.

But, Mr. President, I have been drawn away from my discussion of the situation in the Southern States. It is claimed that the Southern Railway Company and the Atlantic Coast Line system are practically under one control, which embraces a monopoly of that entire area, and yet an apparent competition is maintained, which means that certain intersecting points have the advantage over their neighbors. I ask whether it is the policy of the United States to perpetuate that condition? We say that the individual shall not have an advantage over his neighbor in rates. We call that discrimination. But we say that any town that has two railroads instead of one can have rates 20 per cent below those of the town that has but one.

What does it mean? A constant augmentation of population in the large centers—overpopulation—tending to the deterioration of the race. What reason is there why in the city of New York, for instance, upon a few square miles of land, one-twentieth of the entire population of the country should be centered? Why in the city of Chicago should one-thirtieth or one-fortieth of the entire population of the country be centered upon a few square miles of land? Is it a good thing for the race? Is it a good thing for the entire people, for whose welfare under the Constitution we must legislate? Yet this system, which is drifting the population to congested centers, is maintained, not as the result not only of active competition, but of supposed competition.

Would it not be better for the people of the South if those two railroads were consolidated into one corporation under a national law providing the proper restraints and regulation? Would there not be a fairer service, a more equal service, a more proportionate service, and a fairer distribution of the burden of the cost of transportation?

I admit it would be a bad thing to consolidate the two roads into one company if there were no control by the National Government of the amount of capitalization of the corporation under which they were consolidated, if there were no restraint upon the consolidation itself to reasonable limits, if no rules were laid down regarding return upon capital, etc. But I insist that it would be a beneficial thing for the people of the South, tending toward fairness and impartiality of administration, if under national legislation—and the national sovereign is the only one that can deal with it—those two systems were put under one control, and that if the consent of these States is necessary it should be as freely conceded as to consolidation under Connecticut or New Jersey law.

Mr. President, we have no conception of the extent to which this consolidation has gone. We have in the North here what we call three or four great trunk lines—the New York Central system, the Pennsylvania system, the Baltimore and Ohio, and the Chesapeake and Ohio, four so-called "competitive trunk lines."

And yet it is capable of demonstration that the Pennsylvania Railroad to-day has control of the Baltimore and Ohio, and it is capable of demonstration that the two, together with the New York Central, practically control the trunk line area embracing all the States between Chicago and New York and Pennsylvania

and Maryland. It is true they are under the control of two or three so-called "groups," but as a matter of fact it is claimed by men familiar with these things that they constitute but one organization. You ask is combination to be favored? It is already here, but it is uncontrolled combination. It is combination under the laws of a particular State, which, by reason of the limit of its area and jurisdiction, is incapable of dealing with the entire subject.

The Senator from Colorado referred to the fact that a corporation organized under the laws of one State could not do business within the boundaries of another State without the consent of that State. That is true. But we know that these railroads control in large degree the consent of the States. There, again, we throw them into politics, and we wonder why they are there. It is because they know there is but one way of administering a railroad system, and that is to obey this natural law toward combination. They find obstacles in the way—the laws or lack of laws in the various States—and so they are obliged to be factors in politics, and here again comes an element of control in State legislation. It accounts for the fact which exists to-day, that the legislation of almost all of the States is loose beyond description. We know to-day that the State of New Jersey makes a practice of organizing corporations which are to do business in other States, and we know that a State which enacts a wise code of laws properly restricting these corporations is shunned and avoided, and thus falls a victim to its own virtue. The States are unable to deal with the question. It is by the proper exercise of the power conferred upon us by the Constitution that we can practically deal with the question of overcapitalization.

How would you meet it? I should permit national incorporation for the construction or purchase or consolidation of railroads engaged in interstate commerce and give the Interstate Commerce Commission the right to determine and approve the issue of stock and bonds by every corporation organized under the national act that proposes to issue them for construction or purchase or combination. I presume at the start they might have to validate a good deal of water now in the stock. In justice to the vast body of investors all over the country, who have been persuaded to buy overcapitalized securities, they might do that. But if we should validate all the present overcapitalization and at the same time prevent overcapitalization in the future, we shall have done a service to posterity the value of which can not be measured.

We have had in the past only a tithe of the overcapitalization which under loose laws will be accomplished in the future. If we require the approval of the Interstate Commerce Commission, we have a body of capable men, with full knowledge regarding these matters, with accumulated experience, acting impartially between the public and the railroads, and determining and approving stock and bond issues; and while, as I say, it may result in the validation of much of the stock watered in the past, it will absolutely prevent it in the future.

Then I would in such a law provide a rule for the taxation of such property, a percentage tax. I would permit the States to levy it, thus having nothing whatever to do with its collection. I would prescribe a rule, and a mathematical rule, so that nothing would be left to discretion and so that when the Interstate Commerce Commission came to consider the question of rates, as affecting the net income, it would know exactly what amount must be allowed for taxes as an annual charge. Then we would not have the judgment of the various States confusing the operation of the Interstate Commerce Commission in determining what are just rates, what ought to be allowed as fixed charges, and what ought to be allowed as taxes.

What I complain of is that although the Supreme Court has laid down the rule for the regulation of rates, as involving a fair return upon the value of the property affected, in the consideration of which certain factors are to be considered, such as the stock and bond issues, the actual cost, the actual cost of reproduction, etc., we in our legislation do not provide the factors by which the Interstate Commerce Commission can be guided. We should furnish them with the means of determining the capitalization of these corporations, and if we do not enter upon a national incorporation of railways, we should at all events provide that the Interstate Commerce Commission should enter upon a valuation of the railroads, and to that valuation must be added from time to time the increases of bond and stock issues made by the corporation with the approval of the Commission.

But there is another thing we can determine. We can determine the return upon capital. Some of my friends regard that as an innovation. It has existed throughout the history of this country. When we organized the Union Pacific Railroad, we provided that the rates should be diminished after the income reached 10 per cent; and in the case of the Texas Pacific road I believe there was a similar limitation. I was reading the charter of a railroad company in Arkansas the other day where the limitation was 15 per cent. That was when high rates of interest prevailed. In Massachusetts to-day the limitation upon the return on capital in electric railroads, which are being built all over the State, is 6 per cent, with an allowance of one-half of the additional profits to the corporation and the other half to be paid to the State.

The result is that nothing has ever been paid to the State. The corporation itself has never received the other half of the profits in the shape of dividends, but all excesses over 6 per cent have gone to the betterment and extension of roads and toward reasonable reductions of rates. The advantage of a limitation upon the dividend return on capital is that it works automatically either toward the betterment of the road, the reduction in rate, or to an increase of wages, all of which are to the interest of the country. Otherwise an increase of business tends simply to the increase of profit to the stockholder.

This system, while securing to him a fair return upon his investment, gives the balance of the profit, caused by an increase of population and an increase of business, to the public in the shape of the betterment of the road, in the shape of increased wages to employees, in the shape of reduced rates; and I insist that if we should enter upon a system of a proper capitalization of these roads, approved by the United States Government, and a fair and fixed return upon the capital invested, the Interstate Commerce Commission will hardly ever have cause to act, and automatically the entire administration of these roads will tend toward impartiality in place of partiality, to reasonable rates instead of unreasonable rates, to the betterment of roads instead of exhausting the roads with a view to paying dividends.

Thus we would have an automatic kind of adjustment under national control which would do away, not only with extortionate rates, not only with the oppression of the public, but would do away absolutely with the interference of the railroad corporations in politics, for they are there only to protect their $10,000,000,000; they are there only to protect their income, and if we protect their capitalization, if we prescribe the income upon that capitalization, so that it is simply a matter of mathematical calculation, then necessarily they would be sufficiently protected and could gain nothing by a resort to political control. They can not get more and they can not get less, and they will be eliminated from politics, because there will be no reason for their being in politics.

Now, Mr. President, we have a country of high ideals and of low standards. Our standards would be as high as our ideals if our legislation was as wise as our ideals are high. We have low standards because our legislation regarding these corporations has not been wise. As I stated in the outset, we have allowed them to remain in politics, all their affairs subject to the varying judgments and caprices and passions of officials and of the public at large, and we are responsible for their being there. I ask the Senate of the United States to do something toward conforming the standards of the country to its ideals, and the most important thing is to purify political administration everywhere by eliminating the railroads from politics by a wise and comprehensive system of national incorporation which, whilst protecting the people and communities against discrimination and extortion, will also protect the railroads against popular caprice and passion.

Mr. TELLER. Mr. President, I ask that the resolution may lie on the table, so that it may be called up hereafter if any Senator desires to speak upon it.

The VICE-PRESIDENT. Without objection, the resolution will lie on the table.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 20th instant approved and signed an act (S. 2558) authorizing the Washington Bridge Company to construct a bridge across the Columbia River near the city of Wenatchee, Wash.

BATTLE MONUMENTS IN CUBA.

Mr. WARREN. I submit a resolution which I send to the desk. It is rather important that it should be disposed of. I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War is authorized to employ the United States Army transport *Sumner* to convey, from New York to Santiago de Cuba and return, the members of the Santiago Battlefield Commission and the representatives of the President and of the State and War Departments, to enable them to attend the ceremonies to be

held at the dedication of battle monuments at El Caney, Fort San Juan, San Juan Ridge, and San Juan de Mayaras Hill, in the immediate vicinity of Santiago de Cuba.

Mr. KEAN. May I ask the Senator from Wyoming from what appropriation this comes?

Mr. WARREN. It requires no appropriation. The regular Army transportation appropriation provides for it.

The appropriation made for the purpose of erecting these battlefield monuments was contained in the sundry civil appropriation act of last year. Under a memorandum of the War Department no portion of the money was to be used for traveling expenses or for compensation. The members of the committee having the matter in charge have paid their own way, but now there is a quantity of material to be transported, as well as the committee, and there is also a desire to send a member of each one of the boards, such as fortifications, etc. So that now we have three purposes: First, to transport the material; second, the committee, and, third, a number of officers to perform various duties.

While I think possibly the transport could be used without such a resolution, the Secretary of War has asked the passage of this resolution, so that there can be no doubt about the matter. It appropriates no money and costs nothing except the additional use of the transport.

Mr. KEAN. It costs some money, does it not?

Mr. WARREN. The transport is in commission and lying at New York. If the Department is authorized to use it at once it merely costs the difference between the cost of travel and lying at the station at New York, which is very slight.

Mr. BEVERIDGE. Do I understand the Senator to say that the transport is going there in any event?

Mr. WARREN. Not necessarily just now, but it will carry material and the committee, as well as members of other committees.

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

Mr. BACON. Will the Senator from Wyoming give some idea of the number of persons who will be transported?

Mr. WARREN. Probably a dozen or two dozen persons.

I ask that the papers which I send to the desk—a letter from the Secretary of War and other papers bearing upon the subject—be printed as a document.

The VICE-PRESIDENT. Without objection it is so ordered. Is there objection to the present consideration of the resolution?

Mr. ALLISON. Mr. President, I do not object to the consideration of the resolution. I understand from the statement so well made by the Senator from Wyoming that this is an arrangement which will require very little expenditure. Last year, at the urgent solicitation of a good many very good people in the Senate, then and elsewhere, an appropriation of $9,500 was made for the purpose of erecting suitable monuments commemorating the battles in Cuba. The Secretary of War was, of course, to expend the money. He has expended, I understand, or proposes to expend, the entire sum in preparing the monuments and placing them properly on these battlefields.

Of course the appropriation of $9,500 would not have been sufficient also to bear the expenses of those who have had charge of this work. I understand from these documents that a small committee of three or four persons went down there in a preliminary way and paid their own expenses. Under an order from the War Department no part of their expenses was allowed to be paid either from this special appropriation or from any other appropriation made for the Army by Congress.

I understand also that we have this transport, the *Sumner*, lying at the proper place in New York, and that it is the design to place the material for the monuments upon this Government vessel and carry the material down there. I suppose if the transport is suitable for the carriage of the few people who are to go there they may as well be carried on the transport as in any other way, and that it can be done without any very great expense.

Mr. BEVERIDGE. The commission goes down at the same time, I understand.

Mr. ALLISON. The commission goes down with the material and puts it in place.

Mr. BEVERIDGE. I understand the dedication could not occur without the commission going down there. I think it is very plain, if that is true, that the resolution is eminently proper.

Mr. ALLISON. Very likely. I think the commission is a small one, consisting of only three or four persons.

Mr. BEVERIDGE. The dedication of these very important monuments could not occur unless they were there? Is not that true?

Mr. ALLISON. I should think their presence would be very necessary to the dedication of the monuments. It is a small matter.

Mr. FORAKER. It is true, is it not, I wish to inquire of the Senator from Iowa, that this commission is not paid any salary or does not occasion the Government any expense whatever for the services?

Mr. ALLISON. None whatever. There is no salary paid.

Mr. FORAKER. They are very experienced men, and they are doing this as a labor of love and through patriotism.

Mr. WARREN. They have paid their own expenses so far.

Mr. BACON. Nothing said by myself was intended as indicating opposition to the resolution, but I thought it proper that we should have the information which has now been given to us. I am very glad indeed to have it. I would not myself put any obstacle in the way of a proper observance of the ceremonies, which I think are eminently due to the commemoration of such an important event in history as is marked by those battles.

Mr. TELLER. I understand this is simply executing the law on this subject that we passed. That is all there is of it.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

INVESTIGATION OF EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

On June 2, 1905, I appointed a committee on Department methods to investigate the business methods and practice of the Executive Departments, and to report plans for their improvement. This committee has taken up its great task vigorously, and material benefit to the Government service has already resulted from its efforts.

Much valuable information has been gathered, and the preliminary work is largely done. The time has now come for the committee to assign trained men to the detailed investigation of routine throughout the Government service as a basis for definite steps towards added economy and efficiency. Many men already in the Government service can be assigned temporarily to this work, and some of them can be properly paid under the appropriations against which their salaries are charged. Others must be obtained from outside. The committee on Department methods will need the assistance not only of efficient men in the Government service, but also of recognized business experts from private life. To that end, I ask that the Congress provide an appropriation of $25,000, to be expended under the direction of the President, for the payment of salaries and expenses of specialists and experts to investigate and report upon business methods and practice throughout the Government service. Since the work of the committee on Department methods has already reached a stage where the employment of such experts is necessary, this appropriation should be available immediately and until expended.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

SETTLEMENT OF DANISH CLAIMS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

In connection with the matter of this Government's obligation to pay to that of Germany the sum of $20,000 in settlement of certain Samoan claims under the convention of November 7, 1899, between the United States, Germany, and Great Britain, and the decision of the King of Sweden and Norway as arbitrator under the convention, which I forwarded to the Congress on December 15, 1905, I transmit herewith a report by the Secretary of State showing the obligation to pay, under Article III of that convention, the sum of $760 in settlement of Danish claims.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

INTERNATIONAL PRISON CONGRESS.

The VICE-PRESIDENT 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 Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith a report by the Secretary of State, showing the acceptance by the International Prison Congress of the invitation to hold its next meeting in the United States, extended in pursuance of the joint resolution, approved March 3, 1905.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

THIRD INTERNATIONAL CONFERENCE OF AMERICAN STATES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the acompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives.

I transmit herewith a report by the Secretary of State regarding representation by the United States at the Third International Conference of American States, to be held at the city of Rio de Janeiro, Brazil, beginning on the 21st day of July next.

I join in the recommendation made by the Secretary of State that the sum of $100,000, or so much thereof as may be necessary, be appropriated for this purpose.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

ORDINANCES OF PORTO RICO.

The VICE-PRESIDENT 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 Pacific Islands and Porto Rico, and ordered to be printed:

To the Congress:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith three ordinances (enumerated in the accompanying report of the Secretary of State), enacted by the executive council of Porto Rico with the approval of the government thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

PUBLIC BUILDING AT BOISE, IDAHO.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. HEYBURN. I ask the Senator from New Jersey to yield to me for a moment.

Mr. KEAN. Certainly; if the matter the Senator wishes to call up will lead to no debate.

Mr. HEYBURN. I desire to ask unanimous consent for the present consideration of the bill (S. 1365) providing for the placing of an elevator in the public building at Boise, Idaho. I will say in explanation that the plans contemplated an elevator, but because of lack of funds the elevator was not provided, and the five-story building now stands without any elevator. It is completed otherwise.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the consideration of the bill indicated by him.

Mr. FRYE. Let it be read for information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $6,500 for placing an elevator in the public building at Boise, Idaho.

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

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 23, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 22, 1906.

GOVERNOR-GENERAL PHILIPPINE ISLANDS.

Henry Clay Ide, of Vermont, to be governor-general of the Philippine Islands, vice Luke E. Wright, of Tennessee, resigned.

VICE-GOVERNOR PHILIPPINE ISLANDS.

James F. Smith, of California, to be vice-governor of the Philippine Islands, vice Henry Clay Ide, of Vermont, promoted to governor-general of the Philippine Islands.

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY.

Lloyd C. Griscom, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Japan, to be ambassador extraordinary and plenipotentiary of the United States to Brazil, vice David E. Thompson, nominated to be ambassador extraordinary and plenipotentiary to Mexico.

Luke E. Wright, of Tennessee, to be ambassador extraordinary and plenipotentiary to Japan, to fill an original vacancy.

David E. Thompson, of Nebraska, now ambassador extraordinary and plenipotentiary to Brazil, to be ambassador extraordinary and plenipotentiary of the United States to Mexico, vice Edwin H. Conger, resigned.

ASSISTANT ATTORNEY-GENERAL.

Josiah A. Van Orsdel, of Wyoming, to be Assistant Attorney-General, commencing February 1, 1906, in the place of Louis A. Pradt, whose resignation has been accepted to take effect at the close of January 31, 1906.

DISTRICT ATTORNEYS.

Charles A. Goss, of Nebraska, to be United States attorney for the district of Nebraska, vice Irving F. Baxter, removed.

David Patterson Dyer, of Missouri, to be United States attorney for the eastern district of Missouri. A reappointment, his term expiring March 8, 1906.

MARSHALS.

William Spry, of Utah, to be United States marshal for the district of Utah, in the place of Benjamin B. Heywood, whose term expires January 27, 1906.

William L. Morsey, of Missouri, to be United States marshal for the eastern district of Missouri. A reappointment, his term expiring June 10, 1906.

COLLECTOR OF INTERNAL REVENUE.

Edward B. Allen, of Missouri, to be collector of internal revenue for the first district of Missouri, to succeed Ben Westhus, resigned.

COLLECTORS OF CUSTOMS.

Charles E. Knowlton, of Maine, to be collector of customs for the district of Belfast, in the State of Maine, to succeed James S. Harriman, whose term of office has expired by limitation.

C. Wesley Thomas, of Pennsylvania, to be collector of customs for the district of Philadelphia, in the State of Pennsylvania. (Reappointment.)

SURVEYORS OF CUSTOMS.

John Albus, jr., of Missouri, to be surveyor of customs for the port of St. Joseph, in the State of Missouri. (Reappointment.)

Charles W. Clarke, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri, to succeed William L. Kessinger, whose term of office will expire by limitation April 20, 1906.

RECEIVER OF PUBLIC MONEYS.

Oliver R. W. Robinson, of Los Angeles, Cal., to be receiver of public moneys at Los Angeles, Cal., vice Arthur W. Kinney, whose term will expire January 29, 1906.

PROMOTION IN THE ARMY.

Cavalry Arm.

Second Lieut. Daniel D. Gregory, First Cavalry, to be first lieutenant from January 18, 1906, vice Pilcher, Fifth Cavalry, retired from active service.

POSTMASTERS.

ALABAMA.

William T. Hutchens to be postmaster at Huntsville, in the county of Madison and State of Alabama, in place of William T. Hutchens. Incumbent's commission expires February 10, 1906.

ARKANSAS.

Walter E. Dodson to be postmaster at Springdale, in the county of Washington and State of Arkansas, in place of Aaron L. Thompson. Incumbent's commission expired January 16, 1906.

Bryant W. Ford to be postmaster at Mammoth Springs, in the county of Fulton and State of Arkansas, in place of Bryant W. Ford. Incumbent's commission expired January 16, 1906.

William P. Jones to be postmaster at Batesville, in the county of Independence and State of Arkansas, in place of William P. Jones. Incumbent's commission expired January 16, 1906.

James C. Russell to be postmaster at Camden, in the county of Ouachita and State of Arkansas, in place of James C. Russell. Incumbent's commission expired January 16, 1906.

CALIFORNIA.

Mrs. Frank P. Church to be postmaster at San Leandro, in the county of Alameda and State of California, in place of Mrs. Frank P. Church. Incumbent's commission expired January 13, 1906.

COLORADO.

Richard G. Dalton to be postmaster at La Junta, in the county of Otero and State of Colorado, in place of Richard G. Dalton. Incumbent's commission expired January 21, 1906.

William H. Davie to be postmaster at Florence, in the county of Fremont and State of Colorado, in place of William H. Davie. Incumbent's commission expired January 20, 1906.

Homer H. Grafton to be postmaster at Manitou, in the county of El Paso and State of Colorado, in place of Homer H. Grafton. Incumbent's commission expired January 21, 1906.

CONNECTICUT.

Frederick L. Gaylord to be postmaster at Ansonia, in the county of New Haven and State of Connecticut, in place of Frederick L. Gaylord. Incumbent's commission expired January 16, 1906.

FLORIDA.

John McDougall to be postmaster at Tallahassee, in the county of Leon and State of Florida, in place of John McDougall. Incumbent's commission expires January 22, 1906.

GEORGIA.

Willie A. Sheats to be postmaster at Monroe, in the county of Walton and State of Georgia, in place of Willie A. Sheats. Incumbent's commission expires February 7, 1906.

John T. Stilwell to be postmaster at Montezuma, in the county of Macon and State of Georgia, in place of John T. Stilwell. Incumbent's commission expired January 20, 1906.

ILLINOIS.

William T. Grimmett to be postmaster at Palmyra, in the county of Macoupin and State of Illinois. Office became Presidential April 1, 1905.

James R. Smith to be postmaster at Taylorville, in the county of Christian and State of Illinois in place of James R. Smith. Incumbent's commission expired January 21, 1906.

IOWA.

Henry E. Bolinger to be postmaster at Afton, in the county of Union and State of Iowa, in place of Henry E. Bolinger. Incumbent's commission expires January 28, 1906.

John H. Kolthoff to be postmaster at New Hampton, in the county of Chickasaw and State of Iowa, in place of John Tooley. Incumbent's commission expired January 20, 1906.

Charles A. Merrill to be postmaster at Nora Springs, in the county of Floyd and State of Iowa, in place of Charles A. Merrill. Incumbent's commission expired December 16, 1905.

KANSAS.

Alpheus K. Rodgers to be postmaster at Topeka, in the county of Shawnee and State of Kansas, in place of John Guthrie. Incumbent's commission expired January 16, 1906.

Henry M. Stewart to be postmaster at Hutchinson, in the county of Reno and State of Kansas, in place of John B. Vincent. Incumbent's commission expired January 16, 1906.

KENTUCKY.

George L. Barnes to be postmaster at Frankfort, in the county of Franklin and State of Kentucky, in place of Edward M. Drane. Incumbent's commission expired January 13, 1906.

William B. King to be postmaster at Pineville, in the county of Bell and State of Kentucky, in place of John M. Green, deceased.

MAINE.

Abial H. Jones to be postmaster at Wilton, in the county of Franklin and State of Maine. Office became Presidential October 1, 1905.

Arthur T. Moor to be postmaster at Farmington, in the county of Franklin and State of Maine, in place of Arthur T. Moor. Incumbent's commission expired January 16, 1906.

MARYLAND.

Walter R. Rudy to be postmaster at Mount Airy, in the county of Carroll and State of Maryland, in place of Walter R. Rudy. Incumbent's commission expired January 20, 1906.

William M. Schoolfield to be postmaster at Pocomoke City, in the county of Worcester and State of Maryland, in place of William M. Schoolfield. Incumbent's commission expired January 20, 1906.

MASSACHUSETTS.

George F. Bourne to be postmaster at Lenox, in the county of Berkshire and State of Massachusetts, in place of George F. Bourne. Incumbent's commission expired January 16, 1906.

Frank E. Whiting to be postmaster at Plainville, in the county of Norfolk and State of Massachusetts. Office became Presidential January 1, 1906.

MICHIGAN.

Charles H. Castle to be postmaster at Armada, in the county of Macomb and State of Michigan, in place of David H. Barrows. Incumbent's commission expired January 21, 1906.

George W. Dafoe to be postmaster at Brown City, in the county of Sanilac and State of Michigan, in place of George W. Dafoe. Incumbent's commission expired January 21, 1906.

Eric Ericson to be postmaster at Republic, in the county of Marquette and State of Michigan, in place of Eric Ericson. Incumbent's commission expired January 20, 1906.

John W. Hance to be postmaster at Mount Pleasant, in the county of Isabella and State of Michigan, in place of John W. Hance. Incumbent's commission expired January 21, 1906.

Samuel C. Kirkbride to be postmaster at Clare, in the county of Clare and State of Michigan, in place of Samuel C. Kirkbride. Incumbent's commission expired January 20, 1906.

John T. Owens to be postmaster at Benton Harbor, in the county of Berrien and State of Michigan, in place of John T. Owens. Incumbent's commission expired January 20, 1906.

Blair F. Scott to be postmaster at Lake City, in the county of Missaukee and State of Michigan, in place of Blair F. Scott. Incumbent's commission expired January 20, 1906.

Eugene S. Upson to be postmaster at Durand, in the county of Shiawassee and State of Michigan, in place of Eugene S. Upson. Incumbent's commission expired January 20, 1906.

Fred A. Woodruff to be postmaster at St. Joseph, in the county of Berrien and State of Michigan, in place of Fred A. Woodruff. Incumbent's commission expired January 20, 1906.

MINNESOTA.

Moses Emery to be postmaster at Caledonia, in the county of Houston and State of Minnesota, in place of Moses Emery. Incumbent's commission expired January 20, 1906.

MISSISSIPPI.

Mary Cain to be postmaster at Vaiden, in the county of Carroll and State of Mississippi. Office became Presidential January 1, 1906.

Lynn E. Crane to be postmaster at Forest, in the county of Scott and State of Mississippi. Office became Presidential January 1, 1906.

John H. Elkins to be postmaster at Eupora, in the county of Webster and State of Mississippi. Office became Presidential January 1, 1906.

George C. Jackson to be postmaster at Belzona, in the county of Washington and State of Mississippi. Office became Presidential January 1, 1906.

James C. Tyler to be postmaster at Biloxi, in the county of Harrison and State of Mississippi, in place of John F. Williams, deceased.

MISSOURI.

Arthur W. Brewster to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri, in place of Arthur W. Brewster. Incumbent's commission expires February 5, 1906.

Ezekiel A. Sample to be postmaster at Fredericktown, in the county of Madison and State of Missouri, in place of Ezekiel A. Sample. Incumbent's commission expired January 21, 1906.

William M. Tygart to be postmaster at South St. Joseph, in the county of Buchanan and State of Missouri, in place of John M. Armstrong, deceased.

John T. Wagoner to be postmaster at Odessa, in the county of Lafayette and State of Missouri, in place of John T. Wagoner. Incumbent's commission expires January 22, 1906.

MONTANA.

Charles A. Burg to be postmaster at Livingston, in the county of Park and State of Montana, in place of Charles A. Burg. Incumbent's commission expired January 20, 1906.

NEBRASKA.

M. A. Brown to be postmaster at Kearney, in the county of Buffalo and State of Nebraska, in place of Kersey O. Holmes. Incumbent's commission expired January 20, 1906.

Alfred L. Brande to be postmaster at Pierce, in the county of Pierce and State of Nebraska, in place of Alfred L. Brande. Incumbent's commission expired January 20, 1906.

William H. McNeal to be postmaster at Wayne, in the county of Wayne and State of Nebraska, in place of William H. McNeal. Incumbent's commission expired January 20, 1906.

Wellington A. Post to be postmaster at Stromsburg, in the county of Polk and State of Nebraska, in place of Tillie C. Buckley. Incumbent's commission expired January 21, 1906.

Delbert E. Sherman to be postmaster at Valentine, in the county of Cherry and State of Nebraska, in place of Delbert E. Sherman. Incumbent's commission expired January 20, 1906.

Charles A. Warner to be postmaster at Geneva, in the county of Fillmore and State of Nebraska, in place of Charles A. Warner. Incumbent's commission expired January 21, 1906.

NEW HAMPSHIRE.

Fred H. Perry to be postmaster at Charlestown, in the county of Sullivan and State of New Hampshire, in place of Fred H. Perry. Incumbent's commission expired January 16, 1906.

John C. Richardson to be postmaster at Gorham, in the county of Coos and State of New Hampshire, in place of Thomas A. Adams. Incumbent's commission expired January 16, 1906.

NEW JERSEY.

William H. Hamilton to be postmaster at Ocean Grove, in the county of Monmouth and State of New Jersey, in place of William H. Hamilton. Incumbent's commission expired January 21, 1906.

NEW YORK.

Herbert V. Clark to be postmaster at Dexter, in the county of Jefferson and State of New York. Office became Presidential January 1, 1906.

R. Burchard Hults to be postmaster at Port Washington, in the county of Nassau and State of New York, in place of R. Burchard Hults. Incumbent's commission expired January 21, 1906.

NORTH CAROLINA.

Atheton B. Hill to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina, in place of

Atheton B. Hill. Incumbent's commission expires January 27, 1906.

NORTH DAKOTA.

Harry S. Oliver to be postmaster at Lisbon, in the county of Ransom and State of North Dakota, in place of Harry S. Oliver. Incumbent's commission expired January 21, 1906.

Tobias R. Tobiason to be postmaster at Hatton, in the county of Traill and State of North Dakota. Office became Presidential January 1, 1906.

OHIO.

William Bowen to be postmaster at Louisville, in the county of Stark and State of Ohio, in place of John B. Kagey. Incumbent's commission expired January 16, 1906.

David H. Harriman to be postmaster at West Mansfield, in the county of Logan and State of Ohio. Office became Presidential January 1, 1906.

Reuben M. Hull to be postmaster at Salineville, in the county of Columbiana and State of Ohio, in place of Helen M. Nixon. Incumbent's commission expired January 16, 1906.

Henry D. Weaver to be postmaster at Leetonia, in the county of Columbiana and State of Ohio, in place of Henry D. Weaver. Incumbent's commission expired January 16, 1906.

OKLAHOMA.

Harry B. Gilstrap to be postmaster at Chandler, in the county of Lincoln and Territory of Oklahoma, in place of Harry B. Gilstrap. Incumbent's commission expired January 21, 1906.

PENNSYLVANIA.

John C. Chamberlain to be postmaster at Everett, in the county of Bedford and State of Pennsylvania, in place of John C. Chamberlain. Incumbent's commission expired January 16, 1906.

George C. Burns to be postmaster at Montrose, in the county of Susquehanna and State of Pennsylvania, in place of George C. Burns. Incumbent's commission expired January 21, 1906.

William J. Leahy to be postmaster at Falls Creek, in the county of Clearfield and State of Pennsylvania, in place of William J. Leahy. Incumbent's commission expires January 30, 1906.

William H. Morris to be postmaster at Rimersburg, in the county of Clarion and State of Pennsylvania. Office became Presidential January 1, 1906.

Joseph H. McClelland to be postmaster at New Florence, in the county of Westmoreland and State of Pennsylvania. Office became Presidential January 1, 1906.

Wallace W. Oberly to be postmaster at Womelsdorf, in the county of Berks and State of Pennsylvania. Office became Presidential January 1, 1906.

Robert D. Peck to be postmaster at Lock Haven, in the county of Clinton and State of Pennsylvania, in place of Robert D. Peck. Incumbent's commission expires January 28, 1906.

Ezra H. Ripple to be postmaster at Scranton, in the county of Lackawanna and State of Pennsylvania, in place of Ezra H. Ripple. Incumbent's commission expired January 13, 1906.

Warren F. Simrell to be postmaster at Hallstead, in the county of Susquehanna and State of Pennsylvania, in place of Warren F. Simrell. Incumbent's commission expired January 21, 1906.

RHODE ISLAND.

Clinton D. Sellew to be postmaster at Providence, in the county of Providence and State of Rhode Island, in place of Clinton D. Sellew. Incumbent's commission expired January 21, 1906.

SOUTH CAROLINA.

Preston Rion to be postmaster at Winnsboro, in the county of Fairfield and State of South Carolina, in place of Preston Rion. Incumbent's commission expired January 16, 1906.

TEXAS.

James J. Dickerson to be postmaster at Paris, in the county of Lamar and State of Texas, in place of Patrick B. Gibbons. Incumbent's commission expired January 16, 1906.

William E. Dwyer to be postmaster at Brenham, in the county of Washington and State of Texas, in place of William E. Dwyer. Incumbent's commission expired January 13, 1906.

Frank K. Sterrett to be postmaster at Albany, in the county of Shackelford and State of Texas, in place of Henry Palm. Incumbent's commission expired January 16, 1906.

Talvus D. Wilson to be postmaster at Livingston, in the county of Polk and State of Texas, in place of Thomas J. Epperson, deceased.

UTAH.

James P. Driscoll to be postmaster at Eureka, in the county of Juab and State of Utah, in place of James P. Driscoll. Incumbent's commission expired January 20, 1906.

VERMONT.

Barnum L. Austin to be postmaster at Johnson, in the county of Lamoille and State of Vermont, in place of Barnum L. Austin. Incumbent's commission expired January 13, 1906.

Ora M. Carpenter to be postmaster at Island Pond, in the county of Essex and State of Vermont, in place of Ora M. Carpenter. Incumbent's commission expired January 13, 1906.

Trescott A. Chase to be postmaster at Bradford, in the county of Orange and State of Vermont, in place of Trescott A. Chase. Incumbent's commission expired January 13, 1906.

J. B. Eldredge to be postmaster at Randolph, in the county of Orange and State of Vermont, in place of J. B. Eldredge. Incumbent's commission expired January 13, 1906.

Elwin A. Howe to be postmaster at Ludlow, in the county of Windsor and State of Vermont, in place of Elwin A. Howe. Incumbent's commission expired January 13, 1906.

Burt Merritt to be postmaster at Brandon, in the county of Rutland and State of Vermont, in place of Burt Merritt. Incumbent's commission expired January 13, 1906.

Humphrey Owen to be postmaster at Fair Haven, in the county of Rutland and State of Vermont, in place of John Metcalf, resigned.

Paul G. Ross to be postmaster at Poultney, in the county of Rutland and State of Vermont, in place of Paul G. Ross. Incumbent's commission expired January 13, 1906.

John A. Sheldon to be postmaster at Rutland, in the county of Rutland and State of Vermont, in place of John A. Sheldon. Incumbent's commission expired January 13, 1906.

John P. Webster to be postmaster at Lyndonville, in the county of Caledonia and State of Vermont, in place of John P. Webster. Incumbent's commission expired January 13, 1906.

VIRGINIA.

Thomas W. Carter to be postmaster at Orange, in the county of Orange and State of Virginia, in place of Thomas W. Carter. Incumbent's commission expired January 21, 1906.

Bentley Kern to be postmaster at Winchester, in the county of Frederick and State of Virginia, in place of Bentley Kern. Incumbent's commission expires January 28, 1906.

W. S. Rose to be postmaster at Big Stone Gap, in the county of Wise and State of Virginia, in place of John M. Goodloe. Incumbent's commission expires January 28, 1906.

WISCONSIN.

Samuel S. Fifield to be postmaster at Ashland, in the county of Ashland and State of Wisconsin, in place of Samuel S. Fifield. Incumbent's commission expired January 21, 1906.

Frank A. Johnson to be postmaster at Spring Valley, in the county of Pierce and State of Wisconsin, in place of Frank A. Johnson. Incumbent's commission expired January 20, 1906.

Peter E. Olsen to be postmaster at Rice Lake, in the county of Barron and State of Wisconsin, in place of Peter E. Olsen. Incumbent's commission expired January 20, 1906.

Charles P. Peterson to be postmaster at Glenwood, in the county of St. Croix and State of Wisconsin, in place of Charles P. Peterson. Incumbent's commission expired January 20, 1906.

Charles L. Valentine to be postmaster at Janesville, in the county of Rock and State of Wisconsin, in place of Oscar F. Nowlan. Incumbent's commission expired January 21, 1906.

Ambrose H. Woodworth to be postmaster at Tomahawk, in the county of Lincoln and State of Wisconsin, in place of Ambrose H. Woodworth. Incumbent's commission expired January 20, 1906.

WITHDRAWALS.

Executive nominations withdrawn January 22, 1906.

Brig. Gen. George B. Davis, Judge-Advocate-General, to be Judge-Advocate-General, with the rank of brigadier-general, for the period of four years beginning May 23, 1905, with rank from May 24, 1901, his former appointment as Judge-Advocate-General having expired May 23, 1905.

Brig. Gen. William Crozier, Chief of Ordnance, to be Chief of Ordnance, with rank of brigadier-general, for the period of four years beginning November 22, 1905, with rank from November 22, 1901, his former appointment as Chief of Ordnance having expired November 22, 1905.

William Graue to be postmaster at Elmhurst, in the State of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 22, 1906.

COLLECTORS OF CUSTOMS.

James H. Cooper, of New York, to be collector of customs for the district of Oswego, in the State of New York.

C. Wesley Thomas to be collector of customs for the district of Philadelphia, in the State of Pennsylvania.

PROMOTIONS IN THE ARMY.

Infantry Arm.

First Lieut. Arthur L. Conger, Eighteenth Infantry, to be captain from November 29, 1905.

First Lieut. James B. Kemper, Sixth Infantry, to be captain from December 25, 1905.

First Lieut. John W. Barnes, Eighteenth Infantry, to be captain from December 28, 1905.

First Lieut. Isaac A. Saxton, Twenty-third Infantry, to be captain from January 2, 1906.

First Lieut. George E. Thorne, Twelfth Infantry, to be captain from January 4, 1906.

POSTMASTERS.

ALABAMA.

Nannie S. Coleman to be postmaster at Jasper, in the county of Walker and State of Alabama.

Clifford M. Cox to be postmaster at Ozark, in the county of Dale and State of Alabama.

CALIFORNIA.

Clayton A. Douglas to be postmaster at Tracy, in the county of San Joaquin and State of California.

Salmon H. Loomis to be postmaster at Kingsburg, in the county of Fresno and State of California.

George Schmidt to be postmaster at Berkeley, in the county of Alameda and State of California.

COLORADO.

Walter S. Clark to be postmaster at Aspen, in the county of Pitkin and State of Colorado.

GEORGIA.

Annie I. Burkhalter to be postmaster at Warrenton, in the county of Warren and State of Georgia.

NEW YORK.

Clara Doughty to be postmaster at Garden City, in the county of Nassau and State of New York.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 22, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

BRIDGE ACROSS ST. ANDREWS BAY.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11263) to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

The SPEAKER. The Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 11263) to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill at length.

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

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. LITTAUER. Mr. Speaker, under the rule this fourth Monday of the month is set aside for District business. The House has had under consideration the urgent deficiency bill for two days, and it is very desirable that we continue the consideration of that bill until it is ended. I therefore ask unanimous consent that the House continue its consideration of the urgent deficiency bill.

Mr. SAMUEL W. SMITH. Mr. Speaker, pending that motion I would ask that next Monday be fixed for District day.

The SPEAKER. The gentleman asks unanimous consent that next Monday be set apart as District day. Is there objection?

There was no objection, and it was so ordered.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Payments to New York and Pennsylvania: To pay to the State of New York the sum of $118,585.84 and to the State of Pennsylvania $236,762.65, said sums being certified to Congress at its present session, in House Document No. 167, as having been ascertained to be due said States, respectively, under the provision in the general claims act approved February 24, 1905; in all, $355,348.49.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York [Mr. LITTAUER] what this item is for?

Mr. LITTAUER. These items are to repay advances made by these States during the war of 1812. The claims are reported under the provisions of the claims act of February 24, 1905.

Mr. HUMPHREYS of Mississippi. How much of the item is principal and how much interest?

Mr. BURLESON. Mr. Chairman, with the permission of the gentleman from New York, I can give the gentleman from Mississippi the information he desires. The State of Pennsylvania originally expended for the benefit of the United States $292,120.83 at various periods. Subsequent thereto, during the years 1816 and 1817, the United States returned to the State of Pennsylvania the sum of $280,000, leaving a balance due, principal and interest, on July 5, 1827, of $45,830.26, which sum, with interest thereon for seventy-eight years and four months and nineteen days, amounting to $190,932.39, now aggregates $236,762.65.

Mr. HUMPHREYS of Mississippi. Then the interest that we pay now is compounded on the interest that was due up to that first date the gentleman mentioned?

Mr. BURLESON. It is calculated in accordance with the provisions of the law—under the same law that a settlement was effected with the States of Maryland and Virginia. This computation has been carefully made, and the sum I have last named is due under the law. Now, with reference to the claim of the State of New York, that State expended originally for the General Government the sum of $137,013.01, the expenditures being made at various periods. Certain interest had accrued on this sum, and subsequently at various dates there was returned to the State of New York $139,124.62, leaving the balance due on October 26, 1826, the sum of $20,729.01. The interest on that sum for seventy-eight years and two hundred and forty-eight days amounts to $97,856.83, making an aggregate sum now due of $118,585.84. These calculations have been made in accordance with a specific law which covers these claims, and I can state to the gentleman from Mississippi [Mr. HUMPHREYS] that the items are properly in this bill; that under the law the amounts are due the States of New York and Pennsylvania and should be paid.

Mr. HUMPHREYS of Mississippi. Very well; I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Chicago, Ill., post-office and court-house: For improvements and changes of a general nature, exclusive of furniture, in order to better fit the building for the transaction of the public business, $138,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to make some inquiries of the committee for my own information. I see here is a provision by which in the deficiency bill an allowance is made of $138,000 for improvements and changes of a general nature in a post-office at Chicago. Now, I have been for no less than three years trying to get an additional amount to complete the construction of a wing to a post-office in Rochester, and I did not suppose it was possible through a deficiency appropriation bill to get an allowance of that sort. If it is, I should be very glad, indeed, to avail myself of the services of that committee for that end.

Mr. LITTAUER. Mr. Chairman, I would state that this sum is simply a continuance of the practice that was held in this same bill last year, when $250,000 was appropriated for improvements and changes in the post-office at Chicago. This great building has turned out to be particularly unfitted for its work. There are features in connection with it that demand immediate change in order that life may be secure. The building has under it a large tunnel, emerging on two of the main streets of Chicago, where the coming and going of wagons has resulted in many accidents and, I believe, in loss of life. It was considered that these improvements and changes of a general nature were proper to be inserted in this bill, with the example of the action of the House last year before us. The items are specific items in the submissions made to us.

Mr. PERKINS. Mr. Chairman, I do not complain at all of what has been done for Chicago, but the public building at Rochester is also unfit for life and limb. The completion of the wing is just as much required to do the work with decency and

even in a manner required by the life of the employees as anything else, and I do not see why, if an allowance of this sort is made, which I do not at all criticise, Chicago should be the only city in which an addition to a building should be completed when it is required by the health of the employees and the necessities of the service.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. PERKINS. Why, of course.

Mr. TAWNEY. Has the gentleman from New York ever secured from the Treasury Department a recommendation to Congress in favor of the appropriation which he now asks?

Mr. PERKINS. Why, this is for the erection of a wing.

Mr. TAWNEY. That is for the erection of a new part of the building.

Mr. PERKINS. And we have not money enough to finish it.

Mr. TAWNEY. That recommendation has gone to the Committee on Public Buildings and Grounds?

Mr. PERKINS. Yes.

Mr. TAWNEY. That required authority for the erection of the wing. The Committee on Appropriations not having any legislative jurisdiction, the reference must have necessarily gone to that committee. In this case we have the building, but not suitably adapted to the purposes required.

Mr. PERKINS. Neither is our building fit for use.

Mr. TAWNEY. And it is to complete that which has been already authorized and to make it available for the purpose for which it was intended.

Mr. PERKINS. Our building has been authorized and built.

Mr. MANN. If the gentleman will permit me, I think I can aid the gentleman slightly.

Mr. PERKINS. I am not complaining of what is done, but I did not see why it should not have been done for us as well as for Chicago.

Mr. MANN. This is no ordinary case of making changes in a post-office or post-office building. The Post-Office Department has generally moved into the new building. When the building was designed the receipts of the Chicago post-office amounted to a little over $5,000,000 a year; they now amount to over $13,000,000 a year. The office as it was completed when taken possession of was completed upon the basis of a smaller amount of business that was being transacted and there is not a possibility of doing the business properly. For instance, one of the items proposed by this appropriation is to erect a gallery halfway around the building to give that much additional room where the business can be transacted. Business is being delayed. It is not merely business for Chicago, but business which passes through Chicago, business coming in and going out of the Chicago post-office. It is not a practical thing to perform all the work in the office as it is to-day. A part of the work in the Chicago post-office is now being carried on in the old building, although the city has required that that building be taken down and removed, and it is not possible to transfer all the post-office work in the new building without making these changes. This is not making a change in the building at all, I will say to the gentleman from New York, which makes a distinction and quite a distinction in the case.

Mr. LITTLEFIELD. May I make an inquiry?

Mr. MANN. Certainly.

Mr. LITTLEFIELD. I recognize that your explanation is entirely adequate so far as the necessity for the appropriation is concerned. I am not thoroughly advised as to what makes an appropriation come on a deficiency bill, but what I would like to inquire about is whether this really properly comes under a deficiency bill or under an ordinary appropriation bill?

Mr. MANN. It has as much place on a deficiency bill as on any bill. Of course, ordinarily if it were not for the necessity of its being done at once, which is so apparent, it would go on the sundry civil appropriation bill, but the money should be expended during this fiscal year at once and in order to do that it should go on the urgent deficiency bill.

Mr. LITTLEFIELD. It is not a deficiency in the sense it is to make up an appropriation already given and proven to be inadequate——

Mr. MANN. Not at all.

Mr. LITTLEFIELD. But in the sense it is to be expended in such a way which requires that it should be done at once?

Mr. MANN. It is deficiency only in the sense it should be spent during the current fiscal year. That is the only sense in which it is a deficiency.

Mr. PERKINS. Mr. Chairman, there is no objection I have to find in this appropriation, but there is not a word that the gentleman from Illinois has stated that would not apply to a less extent to the building at Rochester. I only wish, without complaining at all of the conduct of the committee, to suggest if this thing can be done in one case I do not see why it could not be done and the endeavor made that it should be done in another. I now, Mr. Chairman, withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

Except as otherwise provided, one-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word. I would like to inquire how that deficiency of $30,000 arises; in other words, how that happens to be a deficiency? How was it that they could not estimate for the proper amount?

Mr. LITTAUER. Merely through the carelessness of the Commissioners in not submitting a proper estimate last year. We find it to be a fact that it is necessary to have more money to heat these public schools. The Commissioners advised us plainly that they had gotten into the habit of asking for $45,000 and then to depend upon deficiency. Their contracts for the necessary amount to heat the schools are made, and they demand $30,000 to meet them.

Mr. LITTLEFIELD. In other words, it takes about $75,000 a year. There ought to have been an estimate of $75,000. Then it is the fault of the Commissioners in making their original estimate?

Mr. LITTAUER. Plainly so, and it is admitted by them.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from New York [Mr. LITTAUER] one general question for information. Is there not anybody around these Departments that has sense enough and arithmetical skill enough to cipher out the amount of money that will reasonably be expended in a year?

Mr. LITTAUER. There ought to be.

Mr. CLARK of Missouri. What is the reason that this committee does not compel them to do that?

Mr. LITTAUER. We seek to compel them to do it, and we have gone through two or three passages here where we have dropped out estimates made for deficiencies simply because this same practice had been carried on, and they did not give us a good reason for the appropriation. We must either allow this amount or close up the schools if the weather becomes rigorous.

Mr. CLARK of Missouri. I understand that, and that is the very thing I am objecting to. I want to make this one general remark. I do not believe there is a man in this House to-day that is not willing to vote every dollar of money that is necessary to run every department of the Government not only in an economical manner, but in an effective manner. But everybody is getting tired of estimates being brought in here that are adequate to cover the expenses and then have to come in with a deficiency bill. Now, for instance, about this school business here, if the gentleman will permit me. It seems to me if it could not be gotten at in any other way, if the committee would come in here and would report the amount of money necessary for coal for the coldest winter that has ever been known to exist here and then appropriate that amount of money it would hold them to the highest accountability for the way they spent the money, and instead of coming in here with a deficiency bill the chances are there would be money covered into the Treasury.

Mr. BURLESON. In justice to the Commissioners, I want to state that since the last appropriation there have been, I think, eight new schools erected—one a high school, and seven other schools—and the erection of these new schools necessitated an increased appropriation.

Mr. LITTAUER. That is in part true. They knew these schools were in the course of erection, and provision for them could have been estimated.

Mr. TAWNEY. I want to say, for the information of the gentleman from Missouri [Mr. CLARK]——

Mr. CLARK of Missouri. Before the gentleman makes that statement, I want to say one thing to the gentleman from Texas [Mr. BURLESON]. My remark about these estimates was not applied to the Commissioners alone, but to every department of the Government.

Mr. TAWNEY. I want to say that the excuse offered for this deficiency is not an adequate one, for the reason that their estimates for the years 1903, 1904 and 1905, 1906 and 1907 have been uniformly $45,000, and before the expiration of the fiscal year in every instance it was necessary for them to secure a deficiency appropriation of $30,000 in order to supply the necessary fuel to keep the schools of this city running. Now, if it had not been for the fact that without this additional appropriation the schools of the District of Columbia would have to be closed, I am inclined to think the Committee on Appropria-

tions would not have allowed this amount, because it is not a legal deficiency. The apportionment had never been made.

Mr. LITTAUER. The gentleman said the apportionment had never been made. That is just what I was going to ask him.

Mr. TAWNEY. This is not a legal deficiency; but the exigency of the occasion necessitates this additional appropriation, and the evidence showed that they had uniformly since 1903 expended $75,000 for this very purpose every fiscal year.

Mr. CLARK of Missouri. Now, Mr. Chairman, I am going to vote for this school deficiency, but I want to find out now from the Committee on Appropriations if they are going to compel these other estimaters to make proper estimates, no matter what Department it is.

Mr. TAWNEY. I will say to the gentleman from Missouri that, in my judgment, when the estimate comes for the next fiscal year for this purpose, it will be for the full amount required for this purpose, and that statement is based upon the criticism indulged in at the time the matter was before the committee.

Mr. CLARK of Missouri. Are you going to make all these other men that make the estimates for the other Departments come up in the same way?

Mr. TAWNEY. We are attempting to do that by the amendment to the present law.

Mr. CLARK of Missouri. I am glad to hear that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. I would like to ask the gentleman from Minnesota a question before he takes his seat. Now, I understand you have attempted in this bill to remedy the defects in the present law, and you used here an expression, when the occasion is an "extraordinary emergency" or "unusual circumstance." Now, if you are dealing with the character of men indicated upon this floor, as men who are disposed to evade the law, as has been stated frequently, why do you not stop at "extraordinary emergency" and not use the vague and indefinite language of an "unusual circumstance?" I want you to give the reason for that.

Mr. TAWNEY. I want to say here to the gentleman from Alabama that this discussion in respect to the details of that proposed amendment ought to come when that amendment is reached. We want to proceed as fast as possible with the reading of the bill, and when that amendment is reached in future we will take it up for full discussion, and the question of the gentleman can then be more fully answered.

Mr. RICHARDSON of Alabama. I merely desire to call the attention of the gentleman from Minnesota, chairman of the committee, and the distinguished gentleman from New York who has charge of this bill to the fact that in my opinion if you are dealing with the character of men so characterized on this floor as Cabinet officers I feel that there will be the same opportunity given under the broad phrase of the language used here—"unusual circumstances"—to evade all these things that you say they have been evading under the language of the law. That is the suggestion that I propose to make.

Mr. TAWNEY. I do not wish to occupy the time of the committee now in going into a full explanation of that; but the matter will be fully explained when this subject is reached.

Mr. LITTLEFIELD. Another inquiry I desire to make of the gentleman from Minnesota. I understand him to say that the Commissioners did not make an apportionment under the provisions of the law.

Mr. TAWNEY. They did not.

Mr. LITTLEFIELD. I will be glad if the gentleman will state why they did not make any apportionment; and will the gentleman state what reason, if any, they gave for not complying with the law?

Mr. TAWNEY. As I now recollect it, not having the testimony of the Commissioners before me, it was owing to the peculiar conditions in the city here in respect to the purchase of coal. An effort was made on the part of the Commissioners to purchase coal elsewhere than from the dealers here, and, after some investigation and some trouble, that was not accomplished. The reasons are fully set forth by the Commissioners in their statement before the committee, but I have not that before me at this time.

Mr. LITTAUER. The coal is contracted for. The Commissioners make contracts with the lowest bidder for a given amount of coal. They can hardly apportion it regularly in a monthly way, for you could not tell what amount of coal is necessary in two different quarters in the year. But the entire procedure here is wrong, and is admitted by the Commissioners to be so. They tell us it has been the custom to have this $45,000, and then to come in for a deficiency, and they said that $30,000 is the same deficiency that was asked for last year and the year before. I asked:

Do you think that is a good practice?

The Commissioner said he did not.

I asked:

Do you not render yourself liable to that provision in the deficiency law passed last year? This is a dangerous thing.

The answer is:

I can look at the estimate and find out.

And then they go on in the ordinary, general fashion, until finally I told him:

I trust you will correct it.

Meaning this manner of doing business. The Commissioner said:

I will see that it is done.

It is just that habit that we want to put an end to; it places the appropriation in a false light when it is originally offered.

Mr. TAWNEY. I will state in answer to the gentleman's question that in the judgment of the Commission this law did not apply to the District of Columbia. That was the excuse given for not apportioning the appropriation.

Mr. MANN. I want to make an observation for the benefit of the gentleman from Missouri. I notice that there is a tendency to criticise the deficiency appropriations. The gentleman from Missouri [Mr. CLARK] says that they ought to make estimates larger than they do. Now, I wish to have him for a moment reflect upon this proposition. It is almost invariably the case——

Mr. CLARK of Missouri. I should like to make one remark. I did not say I wanted them to make their estimates larger. I said I wanted them to make them large enough to cover the expense.

Mr. MANN. If you make the estimates large enough to cover the possible expense, that means to make them larger than the probable expense. If the officer only makes his estimate large enough for the probable expense, then there is sure to be a deficiency estimate come in later, more or less of the time. Now, I think it would be the observation of the gentleman from Missouri and of the members of the Committee on Appropriations that where an appropriation is made the Department or the Bureau to which that appropriation goes considers that it is entitled to expend it, and if it does not expend it for the purpose for which it is appropriated, it will come in and ask that it may expend it either for some other purpose or for some other year.

Mr. CLARK of Missouri. Now, let me ask you a question. We can arrive at the truth quicker by questioning each other than by making speeches. As I understand it in a general way, the cost, by original appropriation and in deficiency, for coal for the schools of the District of Columbia is about $75,000 a year. They say that is what it is. Now, suppose we appropriate $80,000, is there not some way to keep them from expending more money for coal than they ought to expend?

Mr. MANN. Well, now, the gentleman cites the case of the District of Columbia, and calls attention to this particular item. That is true; but the gentleman must remember that in making up the District of Columbia appropriation bill the revenues are limited; the amounts that can be appropriated for all purposes are limited, depending upon the amounts of estimated revenue from the District, which pays one-half the expense. I suppose whatever the expense is, the District will have to pay one-half of it. The gentleman refers to an item for coal here, but I call the gentleman's attention to an item on the next page of this bill reappropriating an unexpended balance.

Mr. CLARK of Missouri. What appropriation is that?

Mr. MANN. The gentleman can see as well as I can.

Mr. CLARK of Missouri. You have got it there.

Mr. MANN. Under the head of "Interstate Commerce Commission," an unexpended balance—

to enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, including the employment of inspectors to execute and enforce the requirements of the said act.

That is undoubtedly a proper reappropriation, but that is the fact.

Mr. CLARK of Missouri. Let me ask you right there, why is it a proper reappropriation?

Mr. MANN. Oh, I am not a member of the Committee on Appropriations——

Mr. CLARK of Missouri. I will get hold of one of them directly and find that out.

Mr. MANN. What I want to call attention to is the fact that

when an appropriation is made for an amount that is larger than is needed for that particular purpose, it seems to be the opinion of the bureau or department that they have a right to use the money for some purpose, and they come in and ask that it be transferred to some other purpose than the one stated in the appropriation bill, and we give them the authority very often because we think, "Well, that money has already gone out of the Treasury. It is already appropriated, and to reappropriate it will not increase the total appropriation for the year."

Mr. CLARK of Missouri. Is there no way of breaking up that habit of mind about the appropriations?

Mr. MANN. There is no way I know of of breaking up the habit of mind about appropriations, except for the House itself to carefully scrutinize the appropriations as they come in, and for us to judge in a particular case whether the appropriation ought to be made or not. I do not care whether it comes as an original appropriation or as a deficiency appropriation, except in those cases where the authority to make a deficiency increases the total expense that ought to be cut down. I hope the committee will not get into the habit of thinking that they have got to make an appropriation at the beginning large enough to cover all possible contingencies in order to prevent a deficiency. That would be far worse than a deficiency every few years.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. As I remarked to the gentleman from New York [Mr. FITZGERALD] when he had the floor two days ago, I would like to know from whom this coal is bought and how, and my inquiry goes back to that proposition. The gentleman from New York will remember that about two years ago we had a coal famine here, and yet coal galore—by the carload—was just outside of the confines of the city, and the coal dealers and venders, it will be remembered, in the city of Washington combined to put up the price of coal so that the people did not have money enough to buy it. It had the effect of putting up the price of coal upon the Government of the United States and the District of Columbia. We used wood here a day or two in the House furnaces as a result of this famine. I want to inquire of the gentleman from New York what effect that coal famine had upon the price of coal and the revenues that we had appropriated to pay for the coal.

Mr. LITTAUER. Oh, the coal famine took place too long ago to affect the price now.

Mr. GAINES of Tennessee. Oh, no; I remember distinctly of people freezing in the streets of Washington, and yet coal by the train load was just outside of the city.

Mr. LITTAUER. This coal is contracted for once a year to provide for all the necessities of these schools and to be delivered at the schools.

Mr. GAINES of Tennessee. How is it bought?

Mr. LITTAUER. By contract with the lowest bidder.

Mr. GAINES of Tennessee. And who have been the bidders?

Mr. LITTAUER. I am not in possession of the facts to inform the gentleman.

Mr. GAINES of Tennessee. Does the gentleman know from whom the coal has been bought? We know that the Government has been held up in the purchase of material for the buildings at Annapolis, where we at first appropriated $8,000,000. The Secretary of the Navy, Mr. Moody, said that steel and other products had been put up so high on him that he would not stick a single spade in the ground until we gave him $2,000,000 more, to overcome that difficulty. Now, what effect has this coal trust—and there was one over in West Virginia that the courts have got hold of—I don't know what they have done with it—but what effect has this combination or any coal combination had upon the price of coal in this District?

Mr. LITTAUER. I will say to the gentleman from Tennessee that we entered into a line of inquiry in that direction. We asked the Commissioner whether the coal was contracted for, and his answer was "Yes."

Mr. GAINES of Tennessee. On what page of the hearings?

Mr. LITTAUER. I read from page 60:

Mr. LIVINGSTON. Speaking of coal here in the city, are you confined to dealers here from whom you buy coal?

Mr. WEST. No; because we advertise for bids, and under prevailing conditions you would find the large dealers outside and the large companies outside will not come in and bid against the local dealers here. They all have an understanding between them.

Mr. GAINES of Tennessee. Ah, yes; that is it.

Mr. LITTAUER (continuing reading):

Mr. LIVINGSTON. Why do you not buy at the mines?

Mr. WEST. I doubt very much if we could buy at the mines; if we did we would have to arrange for carrying the coal here and the delivery ourselves and all that sort of thing. We have a plan next year for the next contract for coal which I think will in a measure obviate the conditions we are now contending with.

Mr. GAINES of Tennessee. Now, gentlemen, you see that I remember these conditions, and I can not help but believe that the District of Columbia and the Government of the United States are being held up in these coal contracts, and as a result of it we are having these deficiencies here. The gentleman has just read from the hearings that the coal dealers have an "understanding between" themselves. Now, my recollection is that we appointed a year or so ago a committee to investigate this coal famine and the causes of it, and the gentleman from Maine [Mr. LITTLEFIELD] was on that committee, was he not?

Mr. LITTLEFIELD. Yes.

Mr. GAINES of Tennessee. Well, what did you do? [Laughter.]

Mr. LITTLEFIELD. I will say to the gentleman that five minutes allowed me would not be time enough to go into it.

Mr. GAINES of Tennessee. Well, I will vote to give you a whole day if you will break up this robbery. [Laughter.]

Mr. LITTLEFIELD. We did not break it up, but we did disclose many valuable facts.

Mr. GAINES of Tennessee. Give us the substance of them.

Mr. LITTLEFIELD. I have not time to do that, but I will say to the gentleman that we did not investigate specifically the price of coal in the District of Columbia. We covered the general situation more with reference to the question of transportation. We discovered that they were controlling, so far as that was concerned, the transportation.

Mr. GAINES of Tennessee. And didn't they control the amount of coal?

Mr. LITTLEFIELD. Yes; we discovered the fact that nearly every one of these railroads owned most of the coal property and that they were in a position where they could control it, and that they were in a situation where they could control not only the price, but the transportation.

Mr. GAINES of Tennessee. I hope the gentleman is in favor of railroad-rate regulation.

Mr. LITTLEFIELD. I am in favor of any proper regulation that will take care of these conditions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I beg the indulgence of the committee for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I say it as seriously as any man can, that we have here to-day disclosed, first, the testimony that there is an "understanding between" the inside coal dealers that are holding up the Government and the outside coal dealers and railroads that are furnishing them with the coal that they will not compete, and the Government of the United States is at their mercy, and here we are paying the penalty in the shape of a $30,000 deficit. We pay the penalty, as Secretary Moody's statement a couple of years ago showed, of being held up by the steel and other trusts to the amount of $2,000,000 in a contract of $8,000,000. We appropriated $8,000,000, and he said he would not move a foot until we gave him two millions more, to overcome the damage that had been wrought by these trusts. And here comes the gentleman from Maine [Mr. LITTLEFIELD], the illustrious trust buster [laughter], and he tells us that the railroads that come to the city of Washington are controlling the coal conditions; that they not only own the coal mines, but that they are controlling the transportation of coal to the city of Washington, and now Mr. West, the District Commissioner, says there is now an "understanding between" these coal people. We know as a matter of fact, from the information given to us by the newspapers and others, the indisputable fact, that train load after train load of coal here a few years ago was held up just outside of the city limits while the people in the city of Washington were freezing to death in a land of plenty of coal, in this land of freedom, right underneath our flag, right in the shadow of the White House, and right at the doorway of this magnificent Chamber. [Applause.]

Mr. MADDEN. Will the gentleman permit an interruption? I just would like to ask the gentleman if there is any tariff on anthracite coal?

Mr. GAINES of Tennessee. Well, now, I will discuss that. There was some tariff on anthracite coal, yes; and I want to say that it was put on there, my dear sir, in such a way that a skilled surgeon like Professor Gross or Professor Agnew, or any other skilled surgeon, never cut a leg off more skillfully than that law was drawn by which foreign anthracite was excluded by the mere jugglery of words, and the people of this country pay the penalty. Mr. Secretary Moody said it was a jugglery of words by which anthracite coal was excluded, and as soon as

we put it on the free list the price of coal went down, and I voted to put it on the free list, and I will do so again if given the chance.

Mr. MADDEN. Does the gentleman maintain that the coal trust is in existence because of the tariff on anthracite coal?

Mr. GAINES of Tennessee. It is in existence because of the infamous tariff law that you gentlemen are afraid to repeal, because you know the trust will turn you across its lap and spank you in the next election if you do. [Prolonged laughter and applause.] There is no politics in this. I am very sorry that this has been brought up. There is absolutely none in it, my friend.

Mr. COOPER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman if he does not think that if this restriction which exists in the District of Columbia against using any coal that produces smoke were removed, so that bituminous coal could be used, we would overcome the difficulty?

Mr. LITTLEFIELD. And lower the prices.

Mr. GAINES of Tennessee. We can live with foul smoke and fan it out of our faces, but we can not live among a gang of coal cormorants [applause] who are not only holding up the District of Columbia in the prices of coal, but all the people of this District; and they are doing it right under the nose of the Attorney-General, and I presume they did it under the nose of the Attorney-General when he was a Democrat. I can rise above, and have heretofore, party politics, I hope, when it comes to looking up fraud and punishing evildoers and putting the rascals on the inside of the bars by the majesty of the law. I say that this committee owes it to itself to pass a resolution calling upon the Attorney-General and the District officers to look after this coal trust and break it. The statutes of the United States apply here in their splendid vigor. There is no local jurisdiction to interrupt. There is no trouble, but nonaction of law officers. They have plenty of money with which to prosecute. We have given you extra officers to do it, and I believe that the Attorney-General will do it if you will only bring it to his attention. [Applause.] Right there is one of the weaknesses of our law, that you put too much on the Attorney-General, and before you get this Sherman trust law enforced as it ought to be, you have to take the responsibility off him and give the people of this country, as you do when a man steals a chicken, the right to go before the grand jury and tell of these oppressive wrongs, instead of waiting for the Attorney-General to say yes or no.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last three words.

Mr. STANLEY. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Tennessee be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Tennessee be permitted to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I beg the pardon of the committee; I do not willfully impose upon your patience.

Mr. LITTLEFIELD. May I make an inquiry? Does the gentleman not understand that this whole question with relation to the law is being thrashed out now by the Interstate Commerce Commission?

Mr. PAYNE. Mr. Chairman, we can not hear this conversation.

Mr. LITTLEFIELD. I was asking the gentleman if he did not understand that this whole coal question was now being thrashed out by the Interstate Commerce Commission through the intervention of the Department of Justice, and largely upon a resolution or proceeding instituted by a distinguished gentleman from New York by the name of HEARST. That is the fact.

Mr. GAINES of Tennessee. What I want to say is this, that while Mr. HEARST has been abused by almost everybody, he has done more to enforce the antitrust laws of this country than any man who has yet been Attorney-General, except the one now in the Attorney-General's office. [Applause on the Democratic side.]

Mr. LITTLEFIELD. I have not abused him.

Mr. GAINES of Tennessee. I did not say you had. I am not a HEARST man for President and never was, but I can render unto Cæsar the things that are Cæsar's. He is entitled to great credit, and I say he has done more than any private citizen against these great monopolies and trusts of this country. He is the only man I ever knew who took his own private funds to enforce these antitrust laws, and he did it well and won a great lawsuit. But I am diverging from my subject more than I wish to do. I say this great money committee of the nation owes it to the District of Columbia, owes it to the people of the United States, owes it to the Treasury of the United States, to call upon the Attorney-General or the district attorney here to take up this coal combination and crush it. This done, we will do away with these regular deficiencies and the people of this District and section will have cheaper coal. We will have obedience to the law; we will have the railroads punished as well as the railroad officials.

Mr. Chairman, no guilty man should escape in this matter. We are paying the penalty right now for letting them escape. They have always escaped, I believe, under Democratic as well as Republican rule, and it should be stopped, and quickly. Now, here is your time, gentlemen, to act, and stop the Treasury of the United States and the District being gouged in any such manner by these coal cormorants. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SMITH of Iowa having taken the chair as Speaker pro tempore, 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 joint resolution of the following title:

On January 17, 1906:

H. J. Res. 68. Joint resolution relating to the contingent expenses of the House of Representatives.

URGENT DEFICIENCY APPROPRIATION.

The committee resumed its session.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION.

The unexpended balance of the appropriation of $75,000 made in the sundry civil appropriation act for the fiscal year 1905 to enable the Interstate Commerce Commission to keep informed regarding compliance with the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, including the employment of inspectors to execute and enforce the requirements of the said act, is hereby reappropriated and made available for the purposes of said appropriation during the fiscal year 1906.

Mr. LITTLEFIELD. May I inquire whether this appropriation was apportioned by the Commission?

Mr. LITTAUER. That appropriation was apportioned by the Commission to the work, and the balance left over from last year was $8,200. The Commission determined that they could use it to good advantage in enforcing this safety-appliance law. They said that they could reasonably state that a thousand men may attribute their life and ability to perform manual labor each year to the operation of this safety-appliance law. They came to us with much reluctance, but they found fields where they could use a larger sum of money than the average sum allotted under the $75,000 last year, which was the largest amount so far appropriated for this work.

Mr. LITTLEFIELD. Then, if I understand it correctly, the Interstate Commerce Commission have in good faith complied with the provisions of the legislation of the last session to the satisfaction of the committee?

Mr. LITTAUER. Yes.

Mr. GAINES of Tennessee. Just a moment. I will state to the gentleman from Maine there has been some doubt as to the constitutionality of the safety-appliance law, and last year the Supreme Court held it was constitutional. They will not need all this money; hence will not spend it, but turn it back to us.

Mr. MANN. The gentleman is mistaken about that. Do you know how much this unexpended balance is?

Mr. LITTAUER. Eight thousand two hundred dollars.

Mr. MANN. I understand the Interstate Commerce Commission has eighteen examiners under the safety-appliance act. There is not a large enough number. It is absolutely impossible to keep a proper inspection of the different railroads in the United States under the safety-appliance act under the appropriation which they have heretofore had, and I suppose this is to simply increase that amount and——

Mr. LITTAUER. Increase the number of inspectors in order that the law may be better enforced throughout the country.

Mr. MANN. It is to increase the efficiency of that service.

Mr. LITTAUER. And the efficiency of this service has already been demonstrated in a less number of accidents since this inspection began.

Mr. MANN. There can be no question about that, but I hope when the committee brings in an appropriation for this purpose for next year they will bring in an appropriation reasonably large enough to really carry out the purposes of this act.

Mr. GRAFF. May I interrupt by saying the hearings show

that Mr. Moseley stated that this appropriation was not asked for the purpose of increasing the number of men? He was asked how many men they wanted, and he replied that they wanted to keep the men they had, but they did not want to push any more on the committee or the Government, but he went on to state they did need more men, but they wanted to make the increase gradually.

Mr. MANN. I do not understand.

Mr. LITTAUER. The committee has always given the Interstate Commerce Commission the full sum for which they have asked. They gave them this year $75,000, last year $65,000, and the year before last $58,000—exactly as much as the Commission estimated they would be able to use.

Mr. TAWNEY. They estimate $85,000 for this year.

Mr. MANN. I think the Interstate Commerce Commission in this case has made too small an estimate. We reported out of the Committee on Interstate and Foreign Commerce an act which recently passed, very much enlarging the work done by the Commission under this safety-appliance act. It is necessary that the railroads be inspected sufficiently to compel compliance with that act.

Mr. TAWNEY. They estimate for the coming fiscal year $85,000—$10,000 more than they estimated for the current fiscal year.

Mr. MANN. That would amount to what the current estimate and this deficiency will equal?

Mr. TAWNEY. Yes.

The Clerk read as follows:

Army general hospital, Washington, D. C.: For the construction and completion of an Army general hospital in the District of Columbia, upon the site recently acquired for the purpose, within the present authorized limit of $200,000.

Mr. PALMER. I move to strike out the last word. I would like to inquire when and where that act was passed.

Mr. LITTAUER. It was provided for in the sundry civil bill of last year and enacted into law March 3, 1905. The limit placed upon the construction of this hospital was $300,000, and $100,000 was appropriated last year. They come now and ask for the other $200,000 in order that a contract for the completed structure may be entered into. Of course, as usual, they asked us to extend the limit of cost another $100,000, but that we paid no attention to.

Mr. PALMER. I remember distinctly that it went out of the sundry civil bill on a point of order, and I would be glad to know how it got back again.

Mr. HULL. It went out of the Army appropriation bill on a point of order raised by the gentleman from Pennsylvania. It went in afterwards in the sundry civil bill, and the gentleman did not seem to catch on to the fact.

Mr. PALMER. Then it was sneaked into the sundry civil bill?

Mr. LITTAUER. It was put in the sundry civil bill by the Senate.

Mr. PALMER. That brings up an old question, that when a provision goes out of a bill in the House on a point of order, when it comes back here it is not subject to a point of order.

Mr. LITTAUER. It did not belong in the Army bill.

Mr. HULL. It was original legislation and would never belong to the Committee on Appropriations.

Mr. LITTLEFIELD. It did not belong in any bill.

Mr. HULL. It should have been reported as a separate bill by the Committee on Military Affairs before it was in order on any appropriation bill.

Mr. LITTAUER. But the bad example of the Committee on Military Affairs was evidently followed by the committee on the sundry civil bill.

Mr. HULL. The gentleman will remember that in answer to the other gentleman's question it was stated, when it comes back from the Senate we do not raise a point of order.

Mr. PALMER. Why can we not raise a point of order?

Mr. HULL. Because the Senate rules are not passed upon by the House of Representatives.

Mr. PALMER. Well, if there is one principle that is well settled it is that there is no appropriation that can be made except in pursuance to some existing law.

Mr. LITTAUER. There is existing law now.

Mr. PALMER. That law had never any right to be passed, and never ought to have been passed; and I do not believe it is good for anything.

Mr. LITTAUER. The law is there.

Mr. PALMER. It passed, as the gentleman admits, by some kind of chicanery or subterfuge or fraud, and that ends it.

Mr. PAYNE. I think it was passed because the gentleman from Pennsylvania [Mr. PALMER], the "watchdog of the Treasury," lacked a little in eternal vigilance.

Mr. PALMER. I am not a "watchdog of the Treasury," but just wanted to know how this African got into the woodpile.

Mr. PAYNE. It was competent for him to strike it out of the sundry civil bill when it came back from the Senate, and to move on the floor of the House to strike it out.

Mr. PALMER. On the contrary, I am informed by very competent authority, to wit, the gentleman who has the bill in charge, that it would not have been in order to move to strike it out on a point of order when it came back from the Senate.

Mr. LITTAUER. Or go to conference.

Mr. PALMER. How much would that amount to?

Mr. PAYNE. I do not know, with the gentleman from Pennsylvania behind it, with all his eloquence.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word. I would like to inquire whether that appropriation was apportioned; and if apportioned, whether they gave any reason for any change in the apportionment, and why this $200,000 deficiency arises?

Mr. LITTAUER. I just want to read this clause from the law relating thereto:

For the purchase of a site for and toward the construction of an Army general hospital, $100,000, to be immediately available.

Now, how much did they apportion?

Mr. LITTLEFIELD. How about the $220,000 deficiency?

Mr. LITTAUER. Now, as to the $200,000:

The total cost of said hospital, including site therefor, under a contract which is hereby authorized therefor, shall not exceed the sum of $300,000.

One hundred thousand dollars was appropriated and made immediately available. This is for the other $200,000, so that a contract may be made for the completion of this building.

The Clerk read as follows:

Military prison at Fort Leavenworth, Kans.: For the following during so much of the last half of the fiscal year 1906 as may be necessary, namely: For 1 clerk, at the rate of $1,800 per annum; 1 clerk, at the rate of $1,400 per annum; 1 clerk, at the rate of $1,200 per annum; 5 foremen of mechanics, at the rate of $1,200 per annum each; 1 engineer, at the rate of $1,200 per annum; 1 teamster, at the rate of $720 per annum; 4 teamsters, at the rate of $360 per annum each; 2 night watchmen, at the rate of $360 per annum each; 1 fireman, at the rate of $720 per annum; extra-duty pay for prison guard, $1,140; in all, $8,740, or so much thereof as may be necessary.

Mr. LITTLEFIELD. I move to strike out the last word, so as to find out if these are new offices that are created, and if not, under what circumstances this deficiency arises.

Mr. LITTAUER. These are new offices, and created because of the conditions there. We had an old Army prison at Fort Leavenworth which was turned over to the Department of Justice, pending the erection of a new prison. The prison under the control of the Department of Justice is now completed and they desire to turn back to the Army the old prison. The Army state they need it immediately to hold their own prisoners and give a good reason why these new officers should be appointed, as they desire to have their prisoners segregated from the prisoners at the posts, so as to keep them from having a demoralizing effect on the soldiers at those places.

Mr. TAWNEY. The law requires that the prison be turned back to the Army.

Mr. LITTAUER. Moreover, when this old prison is turned over to the Army and is opened they will require there, besides the military people, a certain number of clerks, the clerk of the prison and a number of his assistants, to take care of the ordinary business of the prison.

Mr. LITTLEFIELD. So that these are permanent officials?

Mr. LITTAUER. They are permanent officials.

Mr. LITTLEFIELD. I think I understand. This is an additional clerical force.

Mr. LITTAUER. Those included in this bill.

Mr. LITTLEFIELD. It is legislation, of course, but I shall make no objection to it, although it would be subject to the point of order.

Mr. TAWNEY. I would say to the gentleman from Maine that these officials heretofore have been under the Department of Justice. All those men who were employed in that prison under the Department of Justice have gone to the new prison and are employed by the Department of Justice at this time. The War Department must take possession of this old prison, and will reoccupy it again for its prisoners, and these officers are absolutely essential to the occupancy of the building or buildings by the War Department and the administration of the affairs of that Department.

Mr. LITTLEFIELD. This is new legislation.

Mr. LITTAUER. It is not new legislation. This prison was formerly in existence and was transferred to the Department of Justice. Now it is to be turned back to the War Department, and it is necessary to have these officials to take up the work there at the prison.

Mr. LITTLEFIELD. Independent of the legislation they

would not have the officials and no right to employ them, would they?

Mr. LITTAUER. No.

Mr. LITTLEFIELD. I do not raise the point of order against it. I think the gentleman's explanation is adequate. I wanted to know the facts.

Mr. MORRELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 12, line 16, insert the following: "The sum of $10,551.30 for the payment of injuries and damages caused by the explosion of detonating fuses on February 5, 1903, near Frankford Arsenal, Philadelphia, Pa., as found by a board of officers convened for the purpose."

Mr. LITTAUER. I make the point of order against that amendment, Mr. Chairman.

Mr. MORRELL. I trust the gentleman will withhold his point of order for a moment.

Mr. LITTAUER. I will reserve the point of order.

Mr. MORRELL. Mr. Chairman, I wish to say that all these people—I have their names here enumerated—who were injured, and one was killed outright, by this accident, which occurred in my district, are very poor people, dependent upon the labor of their own hands for their support. Many of the mothers of the children who were injured were dependent upon them for their subsistence. Surely there can be no more urgent deficiency than a debt like this. I have endeavored to get this matter before Congress for three years, ever since this accident occurred, but without success. Now, we all know what it will mean if this is relegated to the Court of Claims. These people will not get the money; besides they have not enough money to bring suit in the Court of Claims against the United States. I earnestly trust, Mr. Chairman, that gentlemen in charge of this bill will out of charity to people who really need this money, not make the point of order against it. I really feel that here is a chance, where we are appropriating hundreds of thousands of dollars, nay, millions of dollars, that we ought at least to take care of people who have through no fault of their own been injured by defective shells belonging to the War Department of the Government, to which we are now appropriating large sums of money under this bill.

Mr. LIVINGSTON. If the gentleman does not make the point of order, I will.

Mr. MORRELL. Now, this matter was referred by the Secretary of the Treasury and was taken up by the Judge-Advocate-General, who in his report quoted precedents where legislation of a similar character had been enacted. For instance, when there was the explosion of a caisson in Chicago at the time of the Chicago riot, similar legislation was introduced and passed. This is a case, as I said before, where these people are actually in need, and I think it a disgrace to this Government that they should not be paid, particularly after a review of the case has been carefully made by the Judge-Advocate-General, where precedents have been cited, and where it has been recommended by the Secretary of the Treasury. I do hope and earnestly request that my friend from New York will in this instance be charitable and begin the new year aright by giving these people the little that belongs to them and which they really stand in need of.

Mr. LITTAUER. Mr. Chairman, I must renew my point of order, without any——

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

National trophy and prizes for Army and Militia: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, being for the fiscal year 1904, $756.

Mr. HULL. Mr. Chairman, I want to reserve a point of order on this paragraph; not on the language of the bill, but on the hearings under which the appropriation was made. I know this is rather a peculiar way to make a point of order.

The CHAIRMAN. The hearings are not before the Chair.

Mr. HULL. I should like to have the gentleman tell the House why the committee made this appropriation.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. LITTAUER. The Army act of 1903 carried an appropriation for national trophy prizes for Army and militia to the amount of $2,500. The Army act did not provide for the expenses contingent to carrying on the competition. The War Department at that time had no range under its control to carry on such a competition, and consequently utilized by invitation the rifle range at Sea Girt, N. J., and there incurred certain expenses for scorers, markers, and statistical officers, and so on, necessary to conduct the competition. Consequently this deficiency, if so it can be called, comes before us here—a deficiency incurred in carrying out a work under the law.

Since that time the War Department has completed a range of its own, and all contingent expenses are now cared for out of various Army appropriations.

Mr. HULL. Mr. Chairman, I do not believe it is in any sense a deficiency, but the language of the bill is undoubtedly in the line of what would be a deficiency, and I think, in place of saying anything on the point of order or instead of making a point of order, I will move to strike out the item, and I want to give my reason for that.

The CHAIRMAN. The gentleman moves to strike out the section.

Mr. HULL. Yes.

Mr. TAWNEY. Will the gentleman from Iowa permit an interruption?

Mr. HULL. Certainly.

Mr. TAWNEY. I have here the testimony of Captain Hutcheson on that item, on page 82 of the hearings:

It was an obligation incurred by the National Government. The cost of maintaining the range for the two or three days during which it was in use by the War Department for the purpose of allowing these teams to compete for this prize was naturally a charge against the Government. Personally I had nothing to do with the national board that year. The appropriation was $2,500 only, and, as I say, it being the first year, and this proposition being in its first inception, they overran their money. They had their money all spent for the trophy and had nothing left to pay this legitimate account for expenses.

Mr. HULL. Mr. Chairman, I think I am somewhat familiar with this whole question. Parties interested in marksmanship came to the Military Committee in 1903 and asked for an appropriation for medals to be competed for at a regular annual rifle meet. The statement was made and has been held ever since then that the whole amount went for the medals. Now I understand, two years after this has taken place, there is an appropriation asked for in this Congress, not for medals, but to help to keep up a rifle range. They speak about the Government not having a range then that they could use for this purpose. The Government has no range now accessible that they can use, and they used the Seagirt range on the invitation of the National Guard Association of the State of New Jersey and of the United States. It never was intended that the Government should pay anything out of its funds for the maintenance of the range, and there was no additional expense on account of this. They had these competitions, they had the shooting for prizes, they had all their paraphernalia of a contest between the Marine Corps, the Regular Army, and the National Guard, and all that Congress intended to do or did do, either then or since that time, has been to provide additional trophies to be shot for, and nothing else. If you pass this appropriation it will be an entering wedge for other appropriations for the last two years to pay the expenses of conducting the shoot. I do not know that I would object to doing that, but I want to do it openly and aboveboard, knowing what we are doing. Let them come before Congress and give the reasons why we should pay those expenses, and let Congress determine whether to do it or not.

Mr. LITTAUER. I would like to ask the gentleman from Iowa if when this competition, covered by these items of deficiency, took place the Government had a rifle range suitable to conduct the competition for these trophies?

Mr. HULL. Just as much of a rifle range as it has now.

Mr. LITTAUER. Was the rifle range at Fort Riley?

Mr. HULL. They have had one at Fort Riley for the last five years.

Mr. TAWNEY. Why did the gentleman's committee appropriate $10,000, then?

Mr. HULL. Because we have improved it tremendously.

Mr. LITTAUER. Was it in a fair shape for troops coming from all over the United States?

Mr. HULL. It has been improved, and so have others. Let me ask the gentleman from New York if these shoots were at Fort Riley last year?

Mr. LITTAUER. I believe they were at Fort Riley, according to the testimony we have.

Mr. HULL. They were at Sea Girt. I was invited to be present, and am sorry I could not attend.

Mr. TAWNEY. The Committee on Military Affairs gave them $4,000 instead of $2,000, and the expenses have all been paid.

Mr. HULL. Now, under this provision, if this is anything it is a claim; it is not a deficiency.

Mr. LITTAUER. A part of it is to make up a deficiency.

Mr. MANN. I was going to ask whether this was an audited claim.

Mr. HULL. I think not; it has gone on for two years be-

fore they thought of it. They had a good time last year, and they said, "We will make this up to you."

Mr. LITTAUER. According to testimony before the committee, it is to make up the amount of deficiency for cash prizes.

Mr. HULL. We limited them to $2,500, and that is all they asked for. I submit to this House that when Congress passes an act and says how much they shall have they can not go out and spend twice as much and then come in here and get the balance of it under a deficiency appropriation.

Mr. SHERLEY. Mr. Chairman, has a point of order been reserved on this item?

The CHAIRMAN. No point of order has been reserved.

Mr. HULL. My motion was to strike out the provision.

Mr. SHERLEY. Then I desire to make a point of order.

The CHAIRMAN. It is too late to make a point of order. The gentleman from Iowa distinctly stated that he made the point of order against the hearings and not against the wording of the bill, to which the Chair responded that the hearings were not before the Chair, and the gentleman from Iowa moved to strike out the provision, and has been discussing the motion to strike out.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman from Iowa whether he considers a claim of this kind of any higher dignity or whether it has any more right on an appropriation bill than a claim for the payment of damages incurred at West Point, Ky., as a result of the Army maneuvers?

Mr. HULL. I do not think it has anywhere near as much right.

Mr. SHERLEY. I want to call the committee's attention to the fact that such an amendment was offered last session and objected to on the ground that it should go before the Committee on Claims. It seems to me this is the same character of a claim and ought to go there, as the other did.

Mr. HULL. If this was in order at all, it should have been brought in shortly after the maneuvers were held. They must have known of it then, and it was never thought of until the maneuvers were held last year.

Mr. LITTAUER. It was asked for as early as June 21, 1904, and the only reason that your committee have for inserting it is that this was at that time a new project. Two thousand five hundred dollars have been appropriated for prizes, and, according to the statement of those before us giving information on the matter, there was no place to hold this competition, and they willingly accepted an invitation of the people at Sea Girt.

Mr. HULL. It was understood where they were going to hold it when the appropriation was made; it was fairly understood then. I can see no reason on earth why they should go back and take it up now.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last two words. I want to say this in regard to this particular item. It may be a perfectly just item, but I do not believe an item of this kind ought to be put in an appropriation bill in this way simply because it happened to appeal to the committee, when other claims of equal dignity have no consideration. It is absolutely impossible, as every Member of this House knows, to get an ordinary claim, no matter how equitable it may be, through the Committee on Claims, and then through this House and the Senate, so as to become a law. The result is that an effort is often made to put them on appropriation bills of this nature. I have no objection if there was any sort of equity in the thing, but I have many times seen a refusal on the part of that committee to permit claims of a similar nature and of higher dignity than this to go upon appropriation bills.

And yet they come in here with no other excuse for breaking their universal rule than to say that they consider that this is a proper claim. Had I known that the point of order had not been saved I should certainly have saved it and then have made it, and I desire now to express the hope that this House will not permit this committee to disregard its own rule whenever it suits them and to then deny to individual Members not on the committee the power to put claims of this kind into an appropriation bill. I say that without meaning, of course, any reflection upon the committee, but because there is a principle involved. If the Committee on Appropriations is going to stick to that rule and relegate us to the Committee on Claims all the time, let it eat the food of its own making.

Mr. TAWNEY. Mr. Chairman, in reply to the gentleman from Kentucky I will say that this is not a claim. Congress has authorized this contest for these medals, and Congress appropriated $2,500 for that specific purpose. Now, there should be, and there is, a certain comity between the States and the Federal Government. The purpose of this law was to bring the National Guard of the States in contact with the Army officers in a contest of marksmanship. The War Department appoints a board to attend at this contest. The militia officers of the State of New Jersey, the Government not having a suitable place in which to carry on this contest, invited the Government there for the purpose of holding the contest, and I shall read what Captain Hutcheson says:

> I was not a member of the board at that time, but I fancy they were invited to go over there because there was no other range in the United States at that time big enough to accommodate so many.

Now, these delegations come from every State in the Union, and it requires very large accommodations. For that reason they selected this. The items which make up this deficiency, of course, are here. The authority being given for the holding of this contest, it necessarily carried with it the authority to employ all of the help that was necessary in order to carry it out. The items are as follows: There were three statistical officers for two days. It was an organization of the National Rifles Association. There were also two armorers for two days. The first cost $60, and the two armorers were $7.64. Scorers and markers, two days, $192; subsistence of officers on duty, two days, $80; entries and pools, carbine team, United States Army, $120.50; 96 targets, $104; amount advanced to make up deficiency, $2,500; cash prizes, $192.50; total, $756. Every one of these items here are items that are properly chargeable to the doing of that which Congress had authorized and for which it failed to make a sufficient appropriation. Therefore it is not a claim, but it is an actual deficiency.

Mr. SHERLEY. Mr. Chairman, before the gentleman takes his seat I would like to ask him if he recalls the action of Congress in authorizing Army maneuvers at various points in America, among others at Westpoint, Ky.?

Mr. TAWNEY. I understand there was an act of that kind.

Mr. SHERLEY. The gentleman recalls that there was damage done to the farms and crops on the farms of that section of the country and that the War Department appointed a commission——

Mr. TAWNEY. This is the first information I have had on that subject.

Mr. SHERLEY. Then I should like to tell the gentleman that the War Department authorized a commission to adjust the amount of damages. They did adjust it. They reported the amount, and yet the committee of which the gentleman is chairman refused to permit a claim of that kind, identical with the claim that the gentleman has here—on all fours with it; it had been authorized by Congress—to go upon this appropriation bill, and referred us to the Committee on Claims.

Mr. TAWNEY. Mr. Chairman, I have the utmost respect for the gentleman's legal attainments, but he must certainly see a distinction between a claim for damages occasioned in the carrying out of that which Congress may have authorized and an appropriation for the payment of a part of the expenses in the doing of that which Congress has authorized.

Mr. SHERLEY. Mr. Chairman, it is useless to discuss the point of order. The gentleman well knows that if it was in order to make it we would not have to discuss the merit of the provision very long. The point I want the committee to understand is that the Committee on Appropriations is making a rule for the rest of the House that when it suits its purpose it disregards.

Mr. MANN. Mr. Chairman, it seems to me the gentleman from Kentucky [Mr. SHERLEY] is unjust to the Committee on Appropriations. I suppose they can not very well defend themselves—in fact, they do not need any defense—but the gentleman is entirely mistaken, because that gentleman makes here clearly a claim, without any question, against the Government for damages. It is not only a claim, but it is not a legal claim, one which can not be enforced against the Government except by the grace of Congress.

Mr. SHERLEY. Can any claim be enforced except by grace?

Mr. MANN. Why, certainly; most claims can be enforced against the Government through the Court of Claims; probably this claim can be. It is not a matter of grace at all. While it requires an appropriation by Congress, it is not a matter of grace from Congress to pay a bill that Congress is obligated to pay under the law. There is no matter of grace about it at all; but a claim for damages against the Government is purely a matter of grace because there is no law providing for the payment. Now, whether this should be paid or not I do not know, but the Committee on Appropriations is not subject to the criticism which the very distinguished and able lawyer from Kentucky has made and which he will appreciate as well as anybody if he stops and reflects, but I would like to ask the gentleman in charge of the bill why this amount did not come in before?

Mr. LITTAUER. Why it did not come in before I can not tell, but it did come in this year with the approval of the Secretary of War.

Mr. MANN. But the gentleman from Iowa charges that it never was thought of until last summer.

Mr. LITTAUER. I have a letter here before me dated Passaic, N. J., June 21, 1904, wherein request is made for this repayment to the New Jersey State Rifle Association.

Mr. FITZGERALD. Mr. Chairman, I agree thoroughly with the gentleman from Kentucky [Mr. SHERLEY] that the Committee on Appropriations, of which I am a member, should not incorporate upon appropriation bills items in violation of the rules of the House. I have prevented it doing that before I was a member of the committee, and I shall, as far as I am able, prevent it from doing it in the future. The work of the Committee on Appropriations is to make appropriations in pursuance of laws already in existence. Now, if the gentleman from Kentucky will give me his attention for a moment, this item incorporated in this bill is to provide for incidental expenses of a rifle match that was authorized by Congress. Had it been known when this match was authorized that these expenses incident to the proper conduct of it would have been incurred provision would undoubtedly have been made at that time for their payment. This item does not now come here for the first time. It was sent by the authorities of the State of New Jersey to the Secretary of War last year. Instead of communicating with the Committee on Appropriations he had somebody, if I am correctly informed, introduce a bill to reimburse that State, and in the great mass of bills which are introduced here from year to year that bill was lost. The amendment of which the gentleman from Kentucky is complaining because it was ruled out on the point of order is in an entirely different category. Congress authorized the holding of Army maneuvers, and I am certain that if anybody had imagined that as a result of those maneuvers great damage would have been done to the farms or other property of private citizens of the country the maneuvers would not have been authorized.

Mr. SHERLEY. They not only contemplated, but stipulated with these people that they would pay for any damage that was done, and the Government has not kept its word.

Mr. FITZGERALD. I think the gentleman is mistaken. Congress did not make that stipulation. It may have been a stipulation by somebody in the Department who had no authority to make the stipulation, but nobody in this House, so far as I know, knew that these damages would result. Most of those who were Members of the House supposed that the maneuvers would be held in those parts of the country where no damage would result. I am quite confident that this item now under consideration is properly in the bill, and I do not think it is subject to the criticism which the gentleman from Kentucky levels at it.

Mr. HULL. One minute, Mr. Chairman. I would like to ask the gentleman from New York when the War Department called the attention of Congress to this appropriation. He says New Jersey called it to the attention of the War Department in 1904. When did the War Department think it was a good thing to send up here?

Mr. LITTAUER. As far as I know, sir, on December 5, 1905; but it had been before the War Department since June 21, 1904.

Mr. HULL. Mr. Chairman, one word further. The gentleman from Minnesota says that the appropriation for medals carried with it whatever was necessary to conduct the contest. Now, Mr. Chairman, I want to submit to this House that when that question was before the Committee on Military Affairs it was specifically stated that the whole amount of money could go to medals and that the contest would take place and this would be simply an additional incentive for men to do their best. We made the same appropriation last year and the year before, increasing the amount.

Mr. LITTAUER. Why did you raise it to $4,000 the year following?

Mr. HULL. Because they said they wanted to give better prizes.

Mr. MADDEN. If it was proper and legitimate to make it $4,000, what is the objection to this?

Mr. HULL. The language of the appropriation was not changed, as I remember, and it was never claimed that a dollar of it went to anybody except to purchase the medals and prizes to be shot for. Take the National Guard of my own State. There they have an annual meet. A great many gentlemen have given prizes. It stimulates the desire of the militia to qualify as expert marksmen. But no one that made a present of a prize ever dreamed that he would have to pay part of the expense of conducting the shoot.

Mr. TAWNEY. The State does that.

Mr. HULL. The State does that, and the State and the War Department together conducted this, and if we had not appropriated a cent in the way of additional inducements for these parties to compete they would have conducted the contest just the same for everything except the shoots for the special prizes. There would have been as many shots fired and as much time expended. Mr. Chairman, it seems to me that in so sense is this a deficiency. In no sense should it have been in this bill, and if the language——

Mr. TAWNEY. Let me ask the gentleman this question——

Mr. HULL. If the language had been framed to pay the money for the purposes that the gentleman from New York says it is to be paid for, a point of order would have laid against it; but the language is so adroitly put in here that it does not disclose what it is to be paid for. The hearings only tell that. The bill is simply the same as the original act making the appropriation of $2,500.

Mr. TAWNEY. Does not the gentleman admit that the sum of $192.50 paid is a deficiency in the original appropriation made for the cash prizes?

Mr. HULL. I do not recognize that they have any right to exceed the appropriation.

Mr. TAWNEY. There is no law of that kind. Congress gave them what they asked for, namely, $2,500. If you allow them to exceed $2,500 you can allow them to exceed $100,000.

Mr. MADDEN. Would not that be true in other instances?

Mr. HULL. This is not a law providing for the current expenses of the Government. It is a specific thing for a specific purpose. I hope the committee will strike it out.

Mr. PRINCE. Mr. Chairman, I desire to speak on the amendment.

Mr. LIVINGSTON. Mr. Chairman, I make the point of order that the limit on this paragraph, twenty minutes, has been reached.

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. LIVINGSTON. I made the point of order that the limit on this paragraph has been reached.

The CHAIRMAN. There has been no debate on the motion to strike out the last word. The Chair recognizes the gentleman from Illinois [Mr. PRINCE] for that purpose.

Mr. PRINCE. On page 83 of the hearings we find this:

> Mr. LITTAUER. Was this entirely expended for medals?
> Captain HUTCHESON. In that particular year it was.
> Mr. LITTAUER. The act only refers to expenditures for medals.
> Captain HUTCHESON. The first act did, Mr. Chairman.

Now, what was the purpose of this appropriation? Solely for medals as prizes at Seagirt. There was no purpose at the time when this appropriation was made and these gentlemen appeared before the Military Committee to use this money for any other purpose than for medals. Two years have passed, and now they come in. We are criticising men for asking for appropriations, and asking too much. There is a greater necessity for this criticism when men come before a committee and ask money for a certain purpose and then want to use it for some other purpose. It seems to me if there ever has been presented to this committee a proposition that they ought to vote in favor of, it is to vote in favor of striking out this claim in effect. I hope that the committee of this House will stand by the chairman of the Committee on Military Affairs and the members of the committee when they say that the purpose for which this money was appropriated was one thing, and that they now seek to use it in a deficiency for another and distinct purpose. It is time for the House to stand by the committees and insist that when money is appropriated for a purpose they shall not come into this House and seek to use it for something else.

The CHAIRMAN. The time for the debate on this amendment has closed. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa, to strike out the section.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. HULL. Division, Mr. Chairman.

The committee divided; and there were—ayes 24, noes 31.

So the amendment was rejected.

The Clerk read as follows:

> Payment to Indiana State board of agriculture: To pay the Indiana State board of agriculture the actual value of the use, occupation, and damage to their property by the United States military authorities for Government purposes during the war with Spain, as ascertained under the act approved April 7, 1904, and reported to Congress in House Document No. 48 of this session, $7,431.88.

Mr. SHERLEY. Mr. Chairman, I raise the point of order against that paragraph.

Mr. ALEXANDER. I want to ask the chairman of the Committee on Appropriations this question: Has the Comptroller of the Treasury been before your committee in regard to these deficiency appropriations?

Mr. TAWNEY. He has not.

Mr. ALEXANDER. Under the law that prohibits a head of a Department from expending more money than is appropriated, how is it possible, if the Comptroller of the Treasury discharges his duty, that he can give warrants to use that money?

Mr. TAWNEY. Some of these appropriations are for fiscal years preceding the year when the law was enacted.

Mr. ALEXANDER. I understand that.

Mr. TAWNEY. Some of them are anticipated deficiencies for the current fiscal year. The deficiencies for the fiscal years 1904 and 1905 the law does not apply to.

Mr. ALEXANDER. When did this law pass?

Mr. TAWNEY. By the last Congress. Now, the deficiencies for the fiscal year 1906, to which this law applies, have not occurred, except perhaps in a very few cases, such as the appropriation for fuel for the schools of the District of Columbia. I do not know that that yet exists, but there are anticipated deficiencies—deficiencies that will occur before the end of the fiscal year—and they are carried in this bill.

Mr. ALEXANDER. Then I understand the chairman of the Committee on Appropriations to say that none of these deficiencies have been created since the law was passed.

Mr. TAWNEY. That is my recollection, I would say to the gentleman from New York.

Mr. ALEXANDER. So that it would not come before the Comptroller of the Treasury for action?

Mr. TAWNEY. No.

Mr. STERLING. I move to strike out the last two words. I would like to ask the gentleman in charge of the bill with reference to the paragraph just read, "Payment to Indiana State board of agriculture." Is it usual for States to make claims of that kind where the Army has occupied State buildings?

Mr. LITTAUER. I would say that this is not subject to the point of order, because we have not been authorized by law to consider this matter.

Mr. STERLING. I presume that nearly every State could make similar claim. Have other States made claims like this one?

Mr. LITTAUER. None have been before us.

Mr. TAWNEY. Congress passed a law authorizing the adjudication of this claim, and the law required the amount found to be due to be certified to Congress for payment.

Mr. HEPBURN. What was the claim?

Mr. TAWNEY. The claim is for the use of grounds by the Government at the time of the Spanish war.

Mr. LITTAUER. This is simply an amount sent to us in accordance with the law requiring that this claim should be adjudicated. It has been adjudicated under the act passed April 7, 1904, entitled "An act for the relief of the Indiana State board of agriculture." The Assistant Secretary of War, under the terms of the law passed in April, 1904, investigated and reported to the Secretary of the Treasury that this amount was equitably and justly due to the State board of agriculture for the use of, occupation, and damage to this property in accordance with the law.

Mr. STERLING. I assume that the property used and occupied were the buildings on the State fair grounds. Is that true?

Mr. LITTAUER. I do not know about that. I know that the law directed that this should be done, that these findings should be made, and have been made by the Assistant Secretary of War and reported to the committee.

Mr. TAWNEY. We know nothing about the merits of the claim. That was considered by the Congress that authorized the Secretary of War to adjudicate the claim.

Mr. STERLING. One more question. Is the amount itemized? How much is given for the use and occupation of the property and how much for the damage?

Mr. LITTAUER. It simply reads that the Secretary of War has directed the case to be investigated by the Quartermaster's Department, the circumstances, character, and extent of the alleged use, occupation, and damage by the United States military authority, and then gives the final awarding, which is certified to the Secretary of the Treasury as to the amount which is equitably due to the State of Indiana board of agriculture, as to the reasonable value of such use, occupation, and damage. The Secretary of War acted under that law, and we are simply advised of the amount, and the estimate for the amount is stated in the bill. It comes to us as a certified deficiency.

Mr. BURLESON. The Quartermaster-General's Department "finds the amount of $7,431.88 is equitably due the said Indiana State board of agriculture, as the reasonable value of the use, occupation, and damage to the same."

Mr. STERLING. Has the amount been paid?

Mr. LITTAUER. No; we are attempting to appropriate for it now.

Mr. STERLING. I assume they come here for these items that have already been paid and they are covered in this bill. Is not that true?

Mr. TAWNEY. No; how can they be paid until an appropriation is made?

Mr. STERLING. With reference to the item for this portrait, that has already been paid.

Mr. LITTAUER. It was paid out of the contingent fund. The contingent fund had sufficient money in it to pay that, and now they come to us for an additional appropriation in order to restore the amount that has been taken out of the general contingent fund.

Mr. SHERLEY. I raise the point of order.

The CHAIRMAN. The gentleman from Kentucky raises a point of order, which he will state.

Mr. SHERLEY. I reserve it for a moment.

The CHAIRMAN. The gentleman reserves his point of order.

Mr. STERLING. I wish to ask another question. I asked the chairman a question on Saturday with reference to one of these items covered in the provisions of this bill that has been paid. What would be the result if Congress refuse to allow that item, striking that item from the bill?

Mr. LITTAUER. After a payment has been made, by refusing further amounts of deficiency you compel the Department to live within the sums already appropriated.

Mr. SHERLEY. Mr. Chairman, I make the point of order that this is not a deficiency. It is like any other claim against the Government, and there is no reason why it should be included in a deficiency appropriation bill.

The CHAIRMAN. The Chair overrules the point of order. It is the character of claim or item that it is customary to put into deficiency bills. It has over and over again been held that such an item is in order on a deficiency bill. The Clerk will read.

The Clerk read as follows:

MILITARY ESTABLISHMENT—PAY DEPARTMENT.

For mileage to officers and contract surgeons, when authorized by law, $50,000: *Provided*, That out of the sum herein appropriated mileage shall be allowed in accordance only with the following rule in cases where the station of an officer is changed while he is on leave of absence, to wit, that he shall be allowed mileage on joining his new station for the distance to the new station from the place where he received the order directing the change: *Provided*, That the distance is not greater than that from the old station to the new station; but if the distance be greater he shall be entitled to mileage for a distance equal to that from the old to the new station only.

Mr. LITTLEFIELD. I raise a point of order. I should like to have the Chair rule on it after I make an inquiry. I am not familiar with the law. On the face of it this proviso is legislation. Is there any law now that provides for mileage under those circumstances? If not, it is new legislation. I do not know anything about it.

Mr. TAWNEY. I will state to the gentleman that there is a law governing the payment of mileage to commissioned officers and contract surgeons. Until a few months ago the officer, when on leave of absence, receiving an order assigning him to a new station could not collect mileage and did not collect mileage from the point where he received the order to the new station; but under a recent ruling by the Comptroller of the Treasury Department the officer is held to be entitled to his mileage now from the point where he receives the order changing his station to the new station, instead of mileage from the old station to the new station, as theretofore.

Mr. RICHARDSON of Alabama. Will the gentleman permit a question right there——

Mr. TAWNEY. The purpose of this is to limit the expenditure of this appropriation to the payment of mileage to the point where he receives the order directing him to go to the new station, provided the distance from that point to the new station is no greater than from the old station to the new station. For example, the Paymaster-General informed the committee that this decision of the Comptroller has cost the Government of the United States, on account of additional mileage, an amount, in his judgment, equal to about $20,000, which otherwise the officers could not have collected or would not have received. Under the present practice if an officer is on leave in San Francisco and his station is Fort Riley and he receives an order while in San Francisco to go to some station in Maine he collects mileage from San Francisco, although he is there on his own business or on a vacation. He collects mileage from San Francisco to Maine, whereas under this limitation he could only collect from Fort Riley, the place of his then station or the one that he recently left, to the new station to which he has been assigned; and to that extent it is a limitation upon the expenditure of this appropriation.

Mr. LITTLEFIELD. Although in effect a change of law, under the explanation of the gentleman I would withdraw the point of order in any event, because I think it is a good provision.

I withdraw the point of order now.

Mr. RICHARDSON of Alabama. Mr. Chairman, I move to strike out the last word in order to get some information from the gentleman from Minnesota [Mr. TAWNEY]. I do not think from the reading of this paragraph that you have established a standard of such justice as the Government ought to administer to its officers. I can not understand the theory or sense of justice which prevails in this rule, which declares that when an officer of the Federal Army, as is frequently done, goes to his home, knowing that he is going to receive an order to change stations, why you should punish him for exercising his natural affection in going to see his people before he goes to the new station that he knows he is going to be assigned to, knowing that the notification of it will come to him while he is at home enjoying his leave of absence. This rule requires him not to be allowed any mileage from his home to the new station, but he must be allowed mileage only according to the distance from the old station to the new one. In a great many instances that would operate to do very great wrong and very great injustice. It looks to me as though, the officer being at his home with the consent of the Government on a leave of absence, the Government should be liberal and fair enough, if the distance from his home where he receives the notice of the change of station is greater than that from the old station to the new station, that he ought to be allowed, in justice and fairness, the additional mileage, because he is there with the consent of the Government. He has received permission to go there. And it looks to me as though the House of Representatives, Mr. Chairman, ought to be quite liberal on that line about mileage. It is a cheeseparing business that it seems to me the Government ought not to enter into.

Mr. MACON. Does the gentleman from Alabama think it a proper thing to do, if an officer is stationed in New York for the time being and is aware of the fact that in a very short time he is going to be changed to Chicago, his family being at El Paso, Tex., that he should be paid mileage if he packs up his traps and goes down to El Paso to see his family and be prepared to receive the change?

Mr. RICHARDSON of Alabama. If the Government gives him leave of absence on application and he goes home, and while stationed at his home notice comes that his station has been changed, I think equity, justice, and fairness ought to give him an additional mileage from the point where he receives his notice to the station where he is assigned. I believe it is only fair and just. Of course you may state a condition of facts that might imply fraud. Such is not in my contemplation.

Mr. MACON. The Government pays mileage to its Representatives from their homes to Congress. Suppose the gentleman's family had gone to California and he desired to see them just before coming on to Washington on the first Monday in December, does he think it would be right for the Government to pay his mileage from California to Washington?

Mr. RICHARDSON of Alabama. That does not apply to this case at all. There is no similitude whatever in the question the gentleman from Arkansas [Mr. MACON] asks and what I am contending for. A Congressman asks for no furlough.

Mr. MACON. If that would not be right, why should you pay an officer who had done a similar thing?

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I should like to hear an explanation in full from the gentleman in charge of the bill. He must have a good reason for putting this in. I do not know what it is, but I would like to hear it, and if not, I want to offer an amendment.

The CHAIRMAN. Does the gentleman from Alabama withdraw his pro forma amendment?

Mr. RICHARDSON of Alabama. Yes; and I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out from and including the word "*Provided*," at the end of the twenty-first line, down to and including the word "only," at the end of the twenty-fifth line.

Mr. HULL. Mr. Chairman, I want to make a parliamentary inquiry. If that amendment is voted down, would a motion to amend that section still be in order?

The CHAIRMAN. This is simply an amendment changing the section. If that is voted down, another amendment would be in order.

Mr. HULL. But this is an amendment to strike out the last proviso.

The CHAIRMAN. If the gentleman from Iowa desires to offer an amendment perfecting the proviso, he must offer it now.

Mr. HULL. And if the amendment of the gentleman from Alabama is voted down, my amendment perfecting the proviso would not be in order?

The CHAIRMAN. No. The gentleman from Iowa desires to perfect the proviso which the gentleman from Alabama moves to strike out.

Mr. HULL. Mr. Chairman, I desire first to ask a question, and then, perhaps, I may not want to offer my amendment. Under this proviso has the Government protected itself under the provisions of the appropriation bill that it must be computed by the shortest usual traveled route? Does the gentleman from New York think that this language would cover it? And in that same connection, the provision for mileage in appropriation bills contains a provision taking into consideration the land-grant railroads—that is to say, a man under orders from here to San Francisco would get mileage by the nearest usual traveled route and have a deduction of 50 per cent on all bond-aided or land-grant railroads.

Mr. LITTAUER. Such a provision would still be maintained, unquestionably, and as to the shortest route between the old station and the new, I would take it for granted that there would be no real force in the provision if it did not mean by the shortest route.

Mr. TAWNEY. I will state, in addition to what my colleague on the committee has said, that this proviso does not change the existing law for the payment of mileage out of any appropriation heretofore made or that may hereafter be made, and in so far as it is a limitation on this appropriation, the same laws and the same construction of laws would apply, with the exception of an officer on leave receiving an order changing his station, which to-day is construed that he is entitled to mileage from the new point to the old. When he is allowed mileage under this limitation, it would have to be construed under existing law—that is, he would be entitled to mileage travel by the shortest route of travel; there is no question about that.

Mr. RICHARDSON of Alabama. Does the gentleman mean to say that striking out the proviso, as my amendment does, does not affect the preceding provision?

Mr. TAWNEY. Of course it affects the preceding provision. The preceding appropriation is an appropriation of $50,000. Now, at the present time, in view of the amendment offered by the gentleman from Alabama, I may be pardoned for saying that when an officer is on leave he is away on his own business, or away on a vacation for recreation; he is not at that point on the business of the Government. Now, then, why should the Government pay his expenses back to the old station, as the gentleman from Alabama suggests, or why should the Government pay him 7 cents a mile from the point where he has received the order directing him to go somewhere else, providing that distance is greater than the distance between the old station and the new, which he would otherwise have to travel on the business of the Government?

Mr. RICHARDSON of Alabama. Does the gentleman not recognize this theory and practice in military matters of the Government, that it has occurred that when men were absent on furloughs things have occurred that allowed them to come in as participants in various funds, pensions, etc.?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER rose.

The CHAIRMAN. The Chair in fairness thinks that he should first recognize the gentleman from Alabama [Mr. RICHARDSON].

Mr. HULL. Mr. Chairman, I desire to offer an amendment before we vote on this.

The CHAIRMAN. Very well; the Chair will recognize the gentleman from Alabama [Mr. RICHARDSON] after the gentleman from Iowa [Mr. HULL].

Mr. KEIFER. Mr. Chairman, I understand the motion is to strike out this clause relating to the mileage of officers.

The CHAIRMAN. The second proviso only, from line 21.

Mr. KEIFER. It is to that that I desire to offer an amendment; after the word "change," in line 21, insert "provided he is not required to return to the station from whence he was ordered."

The CHAIRMAN. That is not an amendment to the section that the gentleman wishes to strike out.

Mr. KEIFER. It is an amendment, however, to the text that we are considering.

The CHAIRMAN. If that text were stricken out, the motion of the gentleman from Ohio would still be acted upon.

Mr. KEIFER. The motion is a part of that provision. I will reserve it, then.

Mr. HULL. Mr. Chairman, I desire to offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "only," in line 25, insert the following: "subject to the same restrictions as to the shortest, usual traveled route and compensation over bond or land-grant aided roads as now provided by law."

Mr. LITTAUER. We will accept that amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The gentleman has not yet the floor. The gentleman from Iowa has offered an amendment. The question is on the amendment offered by the gentleman from Iowa.

Mr. RICHARDSON of Alabama. Mr. Chairman, I do not understand fully that amendment.

Mr. HULL. My amendment is that parties traveling either from their homes or from their stations, traveling over bond-aided roads, should receive only the compensation now provided by law, which is 50 per cent of the total amount.

The CHAIRMAN. If there is no objection, the Clerk will again report the amendment. [After a pause.] The Chair hears none.

The Clerk again reported the amendment.

Mr. PERKINS. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman has not the floor.

Mr. PERKINS. Will the gentleman from Minnesota [Mr. TAWNEY] yield for a question.

The CHAIRMAN. The gentleman has not the floor.

Mr. PERKINS. Has nobody the floor?

The CHAIRMAN. Nobody has the floor.

Mr. PERKINS. Then I move to strike out the last word, and I would like to ask the gentleman from Minnesota [Mr. TAWNEY] at what rate mileage is allowed?

Mr. TAWNEY. Seven cents a mile.

Mr. PERKINS. Is that the general provision of the law?

Mr. TAWNEY. Yes.

Mr. PERKINS. Does not the gentleman think that is a pretty liberal rate in these days?

Mr. TAWNEY. Well, it has been the rate for a good many years. The Committee on Appropriations has no power in the premises, however.

Mr. PERKINS. Does not the gentleman think that must pay any officer three times, on the average, what his transportation costs him?

Mr. TAWNEY. I hardly think it would.

Mr. PERKINS. It costs him only from 2 to 3 cents a mile.

Mr. TAWNEY. I think the gentleman's question should be addressed to the chairman of the Committee on Military Affairs, which has jurisdiction of the legislation on this subject.

Mr. LITTAUER. What is the bearing of the amendment on the amount the Government would have to expend?

Mr. HULL. When the Government paid the actual expenses it came to more than 7 cents a mile, but now a man ordered from here to New York gets 7 cents a mile, and he pays his own Pullman-car fare and his meals and his extra expenses at the hotel.

Mr. PERKINS. All of these expenses are included?

Mr. HULL. Everything, and it is a very low rate. I will say that the Naval Committee came in three years ago, I think, and got 8 cents a mile, which was considered a fair rate.

Mr. KEIFER. Mr. Chairman, if I can not be heard against the pending amendment, I desire to make a formal motion.

I am in sympathy with the purpose of this provision of the bill, and the amendment that I propose to make I think will eliminate the danger of doing wrong that the language here is likely to produce. It is too arbitrary in this that if this bill should become a law in the language used it would cut off an officer from receiving mileage from his proper station from whence he was ordered to another, provided he were on leave of absence at his own expense and was obliged to return at his own expense to the original station. Suppose a man were stationed in the city of San Francisco—and I have the case exactly in mind—and he obtains, after years of time spent in that country and one year at Valdez, in Alaska, thirty days' leave of absence to go to his home in Ohio at his own expense. While there he receives an order from the War Department to change his station from San Francisco to Fort Hunt, on the Potomac just below Alexandria. Now, if he is required to go back to his original station——

Mr. LITTAUER. Required by whom?

Mr. KEIFER. Because he has everything there at his station. His order comes not to change stations where he is visiting in Ohio, but to change stations from California. It happens to reach him by mail in Ohio, where he is required to report his post-office address. Now, if he is obliged to go at his own expense to California, ship and move from there to Alexandria, Va., then, under this bill, he would draw his pay from a point in Ohio to Alexandria, Va., only.

Mr. LITTAUER. Will you permit a question right there?

Mr. KEIFER. Yes.

Mr. LITTAUER. He is in Ohio subject to his own will, is he not?

Mr. KEIFER. He is there on leave of absence. He might have been in Honolulu.

Mr. LITTAUER. He may have been in Honolulu or could have remained in San Francisco.

Mr. KEIFER. But he is on leave of absence at his own expense.

Mr. LITTAUER. And consequently, having gone where he chose to go, he asks the Government to reimburse him to go back to where he was originally stationed.

Mr. KEIFER. Nobody suggested that, and that is not the law. If the gentleman had listened, he would not have asked the question. He did not leave San Francisco at the Government's expense, he does not go back to San Francisco at the Government's expense, but after receiving the order to go from San Francisco to Alexandria, Va., he may be obliged, at his own expense, to go back to San Francisco, and under the language of this bill he would only get mileage from a point in Ohio, where he received the order, to Alexandria, Va.

Mr. LITTAUER. But is he obliged to go back to San Francisco except for his own convenience? Is there any public duty requiring him to go back?

Mr. KEIFER. Yes; there may be. Suppose he had not obtained leave of absence.

Mr. LITTAUER. But he is on leave of absence.

Mr. KEIFER. But what I propose is to add, after the word "change," in line 21, this language:

Provided he is not required to return to the station from whence he was ordered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I would like to have one minute more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for two minutes. The Chair hears no objection.

Mr. KEIFER. This would only give him mileage in the case I put provided the Government required him to go back to his original station and from that station to the new one.

Mr. TAWNEY. If the gentleman will permit me, if the Government requires him to go back to the original station he would be ordered there.

Mr. KEIFER. Under the present law that is true, but under the bill it is ironclad that he could not get it. Now, if the gentleman will look at the bill he will agree with me that he will be only entitled to mileage from the point in Ohio where he was on leave when he got the notice. I want to say the gentleman is mistaken about an officer on leave being entitled to have the Government pay his expenses back to the station from whence he went at the time he went on leave. That is always at his own expense. The Government never pays that.

Mr. LITTAUER. But will you not admit if he be required to go back to San Francisco that that is an order of the Department that he go there? If the Government subsequently ordered him from San Francisco to Fort Hunt that is a second order, and therefore he would be entitled to mileage from both orders.

Mr. KEIFER. I have to say that that is the law now, but if this bill passes and this language is used, then he would not, for this is the language:

He shall be allowed mileage on joining his new station for the distance to the new station from the place where he received the order directing the change.

Now, that is clearly all that he can get under this proposed law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. If that is the case surely we will not pass that bill; but is it the case?

Mr. KEIFER. Well, let the gentleman look at the bill himself.

The CHAIRMAN. The gentleman from Alabama [Mr. RICHARDSON] is recognized.

Mr. RICHARDSON of Alabama. Mr. Chairman, as I understand the theory of this provision, it is based alone upon this idea, that because an officer of the United States Army is allowed a furlough, or leave of absence, as is allowed in all armies since the beginning of civilization, and having accepted that leave of absence and being at home, and his station is changed while he is on leave of absence from the one that he left to one at a greater distance, therefore he must not be allowed mileage except upon equal distance between the old station and the new one. If it happens to be that the new station to which he is ordered is 500 miles farther than the old station is from the new, then he is not allowed any mileage for that. Now, it

occurs to me, as I have said before, Mr. Chairman, that the theory upon which the committee has constructed this rule is not good in justice nor is it so in equity, nor does it apply, as a rule, in a great many other matters pertaining to matters of interest in this Government. It frequently comes up, even in the matter of pensions and in the matter of increase of pensions, or granting a pension for disability, as to whether the soldier was on leave of absence, if he was at home, and not in the line of the discharge of his duty. The Pension Committee has long since abandoned that technical, unjust, and unreasonable rule, and I invoke the same spirit, Mr. Chairman, in the construction of this rule by the committee as is invoked in these other important matters of the Government.

Mr. Chairman, I think the gentleman from Ohio [Mr. KEIFER] has put the matter strongly in the instance that he has given. The amendment offered by the gentleman from Ohio grants some relief from the hardships created by the rule prescribed by the committee. I am not advised that the rules and regulations require the soldier to go back to the station in order to get another start to reach his new station. I should think not. He might have all of his baggage and luggage and everything of that kind transferred from the old station to the new one. What I am complaining of is the inequitable rule, the injustice done to the officer. Having received the consent of the Government and his superior officer to enjoy a furlough, and a change of station comes to him while he is on that furlough, it seems to me to be just and right, if he recives that order at the place of the leave of absence, that he be allowed, in all fairness, if the distance is greater from his home to the new station than from the old station to the new one, the difference in the mileage. What became of my amendment, Mr. Chairman; it seems to have been lost sight of?

The CHAIRMAN. The pending question is the motion offered by the gentleman from Iowa to perfect this provision prior to a motion to strike the whole thing out.

Mr. TAWNEY. Mr. Chairman, I want to say in answer to the gentlemen of the committee who criticise the language and who think they improve it by the amendment offered, that I do not agree with them. This matter was brought to the attention of the Secretary of War when he appeared before the committee on another subject. And at my request he submitted this amendment or limitation upon this appropriation. In the letter transmitting it to me he says:

WAR DEPARTMENT,
Washington, January 16, 1906.

MY DEAR Mr. TAWNEY: In your item of $100,000 in the urgent deficiency bill for mileage of officers and contract surgeons, I beg to suggest a proviso in order to avoid a ruling already made by the Comptroller under existing law by which when an officer is ordered from one station to another and at the time of receiving the order is on vacation at some third point he is entitled to mileage from that third point to the station to which he is ordered. If this is the proper construction of the law, it should be changed. His being at the third point is due to his own volition and not to the discharge of any duty or any order from the War Department, and the mileage that he should be permitted is only the mileage from the station at which he is stationed to that to which he is ordered. I suggest, therefore, that in the urgent deficiency bill, in order to avoid the result of this construction, there be added the following proviso:

"*Provided*, That out of the sum herein appropriated mileage shall be allowed in accordance only with the following rule in cases where the station of an officer is changed while he is on leave of absence, to wit: That he shall be allowed mileage on joining his new station for the distance to the new station from the place where he received the order directing the change: *Provided*, That the distance is not greater than that from the old station to the new station; but if the distance be greater, he shall be entitled to mileage for a distance equal to that from the old to the new station only."

The responsibility for the language of that proviso is not with the committee, except so far as we have adopted it. We, however, approve it and believe it should be enacted into law. It was the desire of the subcommittee that this proviso should be prepared by those who were charged with the duty of administering this law. I think, Mr. Chairman, the necessity for this proviso is admitted by almost every Member of this House, and as the department having charge of the administration of the law in respect to mileage suggests it, the House ought to be willing to accept it. In doing so we will put a stop to an abuse which has cost the Government of the United States this fiscal year about $20,000, according to the testimony of the Paymaster-General.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa. If there be no objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Alabama, to strike out that paragraph.

Mr. HEPBURN. I move to amend by striking out all the paragraph after the word "the," beginning with the word "place," in line 20, and inserting the words "old station." That cures the difficulty that is suggested by the Secretary of War. That does not permit the mileage from the new station, but simply gives to the officer the mileage that he would be entitled to had he not separated himself from his old station through a leave of absence. I think that is right and fair.

Mr. KEIFER. That is the law now.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Iowa to the fact that that is in a sense not an amendment to the amendment offered by the gentleman from Alabama now pending.

Mr. HEPBURN. It perfects the paragraph.

The CHAIRMAN. It strikes that out and more. The amendment of the gentleman from Alabama simply strikes out from the word "*Provided*," in line 21.

Mr. RICHARDSON of Alabama. I was too far away and could not hear the gentleman's amendment. Will the gentleman from Iowa tell me what his amendment is?

Mr. HEPBURN. It is simply to strike out all after the word "the," preceding the word "place," in line 20, and all the following portion of the paragraph, and insert the words "old station."

The CHAIRMAN. The amendment suggested by the gentleman from Iowa strikes out all that the gentleman from Alabama proposes to strike out and some more.

Mr. HEPBURN. I thought the amendment of the gentleman from Alabama was to strike out the proviso.

Mr. RICHARDSON of Alabama. That is my amendment. Yours can be made to it, it seems to me.

Mr. HEPBURN. The proviso began on line 15.

The CHAIRMAN. The amendment of the gentleman from Alabama is the pending question.

Mr. HEPBURN. Then I will reserve this amendment until that is disposed of.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. HEPBURN. If this should be adopted, then the gentleman will not object to striking these words out?

Mr. RICHARDSON of Alabama. Not at all. That is what I am getting at.

Mr. HEPBURN. Then I will request the gentleman to temporarily withdraw his amendment.

Mr. RICHARDSON of Alabama. I will withdraw it temporarily.

The CHAIRMAN. That can not be done except by unanimous consent. The amendment has been amended and the question is on its adoption. The text has been amended by the amendment offered by the gentleman from Iowa. Is there objection to the withdrawal of the motion to strike out? [After a pause.] The Chair hears none. Now the gentleman from Iowa offers an amendment.

Mr. HEPBURN. Strike out the word "place" and all following to the conclusion of the paragraph and insert the words "old station."

The Clerk read as follows:

In line 20, after the word "the," before the word "place," strike out the word "place" and the remainder of the paragraph and insert the words "old station."

Mr. KEIFER. Now, with a view of perfecting this clause, I move to insert, after the word "change," in line 21, the words "provided he is not required to return to the station from whence he was ordered."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

In line 21, after the word "place," insert "provided he is not required to return to the station from whence he was ordered."

Mr. MADDEN. I move to amend the amendment.

The CHAIRMAN. Amendments are exhausted.

Mr. MADDEN. I understand this is an original amendment.

Mr. KEIFER. To perfect the bill before the motion to strike out. I think the gentleman is in order.

The CHAIRMAN. The amendment is in order.

Mr. MADDEN. I move to amend the amendment by making it read—

provided he is not required by the War Department to return to the original place—

to insert the word "required."

Mr. KEIFER. I have no objection to that.

The CHAIRMAN. If there be no objection, that will be considered as a part of the amendment offered by the gentleman from Ohio. The Chair hears no objection.

Mr. LITTAUER. I should like to understand how the amendment will now read.

Mr. KEIFER. Yes; let it be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amend so as to read: "*Provided*, That he is not required by the War Department to return to the station from whence he was ordered."

Mr. KEIFER. Now, Mr. Chairman, I wish to make this observation with reference to the motion of the distinguished gentleman from Iowa. If his motion should prevail, then the clause on the subject of mileage will be entirely unnecessary, because that would leave the law just as it is now. They get mileage from the station from whence they are ordered to the new station. There is no dispute about that. I am in harmony with the bill, and I only want to avoid doing injustice by the ironclad language it contains. I call attention to the language, which is without condition or qualification:

He shall be allowed mileage on joining his new station, for the distance of the new station from the place where he receives the order directing the change.

That excludes absolutely the possibility of his getting mileage from the old station to the new, although by the very language of the order changing the station he may be obliged to go there to conduct troops or move materials of war from that place to the new station. Although he does that he will get no mileage under this clause, if it becomes a law, and may have to go at his own expense to a station farther away than where he receives the order, traveling, perhaps, over the same ground both ways at his own expense and drawing only a small amount of mileage for a part of the distance; so that if my amendment is adopted, it will carry out, I think, the purpose that was designed by the Secretary of War and still do no injustice to officers. The Secretary of War prepared the amendment without, perhaps, taking everything into view. He is a good Secretary of War, and he knows a lot about things in the Army, but he does not know everything until he has an opportunity to examine it in all its bearings. I am perfectly certain that this will cure all the difficulty that might arise and think it ought to be accepted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. KEIFER].

The question being taken, on a division (demanded by Mr. KEIFER) there were—ayes 3, noes 18.

Accordingly the amendment was rejected.

Mr. HEPBURN. In place of the amendment that I have offered, I will offer the following: To insert, before the word "place," in line 20, the words "old station, if he shall return to his old station, but if he shall not return to his old station, then the mileage to be allowed shall be that from the place where he received the order directing the change," and so forth.

Mr. KEIFER. That is all right.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Insert before the word "place," in line 20, the following: "old station, if he shall return to the old station; but if he shall not return to his old station, then the mileage to be allowed shall be that from the——

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. LITTAUER. It seems to me that would be tantamount to the amendment offered by the gentleman from Ohio [Mr. KEIFER], which was just voted down.

Mr. HEPBURN. It is not exactly that.

The CHAIRMAN. Does the gentleman desire to discuss it?

Mr. LITTAUER. No.

The question being taken on the amendment, on a division (demanded by Mr. HEPBURN) there were—ayes 9, noes 30.

Accordingly the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

Burial of indigent soldiers: For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war and soldiers and sailors of the war with Spain who die in the District of Columbia or in the immediate vicinity thereof, and of such soldiers, sailors, and marines who die in the District of Columbia and are buried in the immediate vicinity thereof, to be disbursed by the Secretary of War, at a cost not exceeding $45 for such burial expenses in each case, exclusive of cost of grave, on account of the fiscal year 1905, $500.

Mr. LITTAUER. Mr. Chairman, when the general debate was on it was suggested that when the deficiency in connection with the isthmian canal was reached that a certain amount of time be given for general debate on that item. As we have now reached that paragraph I would like to ask unanimous consent that there now be opportunity for general debate in connection with the item for the isthmian canal one hour, one half to be controlled by the gentleman from Georgia [Mr. LIVINGSTON] and the other half by myself.

Mr. LIVINGSTON. Let us make it an hour and a half, three-quarters of an hour on each side.

Mr. LITTAUER. I have no objection to that.

The CHAIRMAN. The gentleman from New York asks unanimous consent that there be one hour and a half for general debate on the item in relation to the isthmian canal, beginning on page 14, line 20, and continuing to page 16, line 8, one half of the time to be controlled by the gentleman from Georgia [Mr LIVINGSTON] and the other half to be controlled by the gentleman from New York [Mr. LITTAUER.]

Mr. LIVINGSTON. With the understanding that it does not interfere with the reading of the paragraphs under the five-minute rule.

The CHAIRMAN. Certainly not; it is general debate; debate under the five-minute rule could not be closed under that order.

Mr. WILLIAMS. How much time is asked?

The CHAIRMAN. Forty-five minutes on each side. The Chair hears no objection, and it is so ordered.

Mr. LITTAUER. Mr. Chairman, on the assembling of this Congress the Secretary of War submitted the necessity of an emergency appropriation of $16,500,000 to carry on the work of the isthmian canal. Congress on December 21 passed an act appropriating $11,000,000 for that purpose, and the Secretary of War now comes to Congress asking practically for the balance of his original estimate on the following statement: The $16,500,000 was designed first to pay the indebtedness existing on the 1st of December, 1905. That indebtedness consisted of $4,000,000 on general account and $500,000 due to the Panama Railroad Company. He then estimated for the continuance of the work of construction and general purchase based upon the actual expenditures of the month of October, 1905. It has been found by comparison that the expenditures in October were a fair basis, as those of September and November aggregated under each of the heads of disbursement about the same amount. Based upon that original calculation, practically without any change, we are now asked to provide $5,340,786, which amounts to three-sevenths of the original amount asked for, less the four and a half million indebtedness incurred before December 1. Your committee attempted to investigate the various items under the six heads of submission brought before us.

Mr. LITTLEFIELD. I did not quite catch the gentleman's last statement about the comparison of the amounts asked for now and those asked for in December.

Mr. LITTAUER. In December the amount asked for was $16,500,000. There was then actual indebtedness incurred of $4,000,000 general expense and $500,000 indebtedness to the Panama Railroad Company. Deducting that four and a half million dollars from the sixteen and a half millions dollars, we have $12,000,000 left. These $12,000,000 were designed to provide money for the conduct of the work for seven months. After providing $11,000,000 for existing indebtedness and for four of the seven months we have made provision for expenditures until the 1st of April, and the only good reason that I have been able to find out why we did not provide until the end of the fiscal year was that between now and the 1st of April determination should be reached whether the canal was to be a lock or a sea-level canal, and that conclusion would to a certain extent determine the amount of money necessary to be spent in the last three months of the fiscal year.

Mr. SMITH of Iowa. And also the question as to whether it would be by contract or not.

Mr. LITTAUER. Yes; and it is also worthy of consideration that we had no committee to examine into the matter at that time, and it was thought if the balance of the estimate was carried over a committee would investigate.

Mr. MANN. If the gentleman will pardon me the suggestion, although we had no committee at that time, it was considered necessary to have several days' debate in the House, and now they consider an hour and a half as a great allowance; so probably we shall not get near as much investigation of the subject as we did then.

Mr. LITTAUER. It is an unfortunate fact that at the time the bill was first introduced we did not have before us the Department's full estimate which was subsequently printed in the RECORD December 11, showing the exact categories of expenditure that was proposed to be made under the $16,500,000 appropriation.

Mr. MANN. We had it all the time from the time we began to consider it the first day.

Mr. LITTAUER. But it was printed in a segregated shape.

Mr. MANN. Now, I would like to have the gentleman give us information that has been acquired by the committee on this examination—that is, distinguished from the information that was before the House in December.

Mr. LITTAUER. I must be perfectly frank——

Mr. LITTLEFIELD. I think the gentleman from Illinois will remember that many of the details the committee had in their possession had not been put in the RECORD at the time the debate commenced, and my recollection is that the gentleman inserted a number of details involved in the work at my request.

Mr. MANN. I inserted in the RECORD additional details in reference to past expenditures. I apprehend the gentlemen have before them precisely the same information in reference to this appropriation that was laid before the House on the first day of the session. I do not desire to criticise the committee; I think it did just what they ought to do.

Mr. TAWNEY. I think there is this distinction, when the matter was before the House at the beginning of the session there was no committee that could give the matter investigation and report to the House the facts as to what was necessary, or as to the future expenditure of the appropriation or how they had expended that which had previously been appropriated. In this instance the Commission submitted to the committee an estimate of the amount for the remainder of this fiscal year, or from April 1 to July 1, which is, in substance, what they submitted to the House at the beginning of this session. The Commission and the Secretary of War were very fully interrogated in respect to the details of the estimate submitted and as to their administration. No investigation preceded the request for the appropriation at the beginning of this session. That is the difference between the situation now and the situation at the beginning of the session.

Mr. MANN. The gentleman must pardon me. I do not wish to criticise the Committee on Appropriations. I wish to defend the distinguished gentleman from Iowa [Mr. HEPBURN] who introduced the bill from the supposition that he introduced the bill without making some investigation, and I apprehend that the gentleman from Iowa [Mr. HEPBURN] who introduced the bill last December gave fully as much attention to interrogating the Secretary of War and other gentlemen connected with the Isthmian Canal Commission as the Committee on Appropriations has now, in the short time they have had the opportunity to do so.

Mr. LITTAUER. That may be true, and I believe that it is true, and yet we have had through hearings, both before the Senate committee and before our own committee, some light thrown upon the problem.

Mr. MANN. I do not doubt that.

Mr. LITTAUER. The operations now under way down there are designed to make the Canal Zone ready for the work of excavation. First, to put it on a sanitary basis, so that men can live there in safety, and next to provide houses, dwelling houses and hospitals, and all things necessary for support when we get to the work of excavation; third, to build such necessary railroad facilities that the "spoil" can be disposed of when once excavated, and the latter is perhaps the most serious problem connected with the entire undertaking. To carry that out the Panama Railroad has to be double-tracked, about 200 miles of spurs constructed in order that when the day for excavation may come—and we are advised that that day will be reached during this fiscal year at some time between the 1st of April and the 1st of July—all preparations for going ahead with the work in a fair way may have been accomplished. Even during this time, during the time of preparation, the Commission will gather such information as would make it possible, if found wise, to give out contracts for various parts of this work. Until this preparatory work is over, until the Commission is thoroughly advised of what particular work must be done, consideration of whether or not it would be wise to do any of this work by contract can not be had, because, naturally, contractors going into the Tropics, surrounded by a lot of conditions that are not regular, will place a very high percentage in their bids to cover contingencies.

Now, to dwell for a moment upon the six items of appropriation submitted in this bill, which are really the same items we had previously before us. Then we had before us the estimates covering seven months, December 1 to June 30. Now we have three-sevenths of those estimates to consider and throughout the six items of appropriation. Three of these items cover expenditures in the United States. The purchase of material in the United States, for which $1,000,000 is asked, is the first item submitted. The conclusion of the delivery under contracts already entered into for equipment not provided for in the eleven millions appropriated, consisting of flat cars, locomotives, steam shovels, unloading machinery, water tanks, and dredges estimated on, that is provided for on the basis of three-sevenths of the total amount of the contracts. Next come the additional expense incident to the isthmian canal management here in the United States, consisting of salaries, expenses of the purchasing agents, and the like, on a basis of $25,000 per month.

Then there are the three classes of expenditure on the Isthmus. First, the transportation to the Isthmus of labor, the local transportation, hotel and hospital supplies, with some small amount of miscellaneous purchases made from stores at the Isthmus. Next the amount which will be due for the work now in process by the Panama Railroad Company under the agreement reached between the Commission and the Panama Railroad Company for the building of the extra amount of railroad construction required by the Commission. Third, to provide for the pay rolls. These pay rolls, again, are estimated on the amount expended during the month of October, 1905, plus an increase of 25 per cent on the gold roll, or the roll paid in gold of our standard, paid to higher-grade mechanics, engineers, and the like, together with an increase of 50 per cent on the silver roll, which covers the employment of ordinary colored labor.

Mr. LITTLEFIELD. Why do they pay two kinds of currency?

Mr. LITTAUER. For the simple reason that they wanted to pay the individuals who work on the Isthmus in the currency they were accustomed to when working at home. The colored laborers are drawn from Martinique, Barbados, and Jamaica, are accustomed to silver, and they understand that when they are receiving 20 cents an hour—and I will comment on the wages paid in a moment—it is on the basis of the same currency that they were ordinarily accustomed to at home. If we had offered 10 cents in gold they would not have appreciated it, and would have thought that their labor was being paid only one-half of what we actually were paying them; and in order to pay them in the currency they were accustomed to the Commission determined to have two rolls—one to cover the colored labor in silver and the other to pay mechanics and other assistants drawn largely from the United States—white men—in gold.

Mr. LITTLEFIELD. Was the silver in the denomination of the money generally used down in that section?

Mr. LITTAUER. Entirely so; but in particular an agreement was reached between the Republic of Panama and the United States in reference to currency.

Mr. LITTLEFIELD. That was rendered necessary on account of the practical conditions existing there. They hired these people with currency with which they were familiar, and that is the foundation of all this hubbub about coin and currency down there.

Mr. LITTAUER. I do not know why any hubbub should arise.

Mr. LITTLEFIELD. We have heard of it more or less in this body. That is the real reason it was used—it was necessary.

Mr. MANN. In other words, if they were paid in gold there they would have to exchange it for silver to make use of it.

Mr. LITTLEFIELD. And hence the effort to provide the money which they were to use down there.

Mr. MANN. And prevent them from having to make exchange, and because they were used to it.

Mr. LITTLEFIELD. So this arrangement was made to provide them with what they wanted and needed.

Mr. MANN. The circulation is in silver, and when we went down to the Isthmus a year ago the first thing to be done by our party was to exchange the American notes for silver. You buy everything in silver, you pay for everything in silver; they do not handle gold coin or American currency.

Mr. LITTLEFIELD. This is local silver currency.

Mr. MANN. Local silver; yes.

Mr. MACON. In reference to what the gentleman from Maine has just said, I desire to state that the gentleman who is in charge of the bill answered his question very properly when he stated that silver was for the colored labor. If the gentleman from Maine is not aware of the fact, I desire to state that the negroes are very partial to silver.

Mr. LITTLEFIELD. I so understand it.

Mr. LITTAUER. The fullest examination that your committee were able to give to the estimates submitted to us led us promptly to the conclusion that the month of October, taken as a basis for these estimates, was the fairest estimate possible for anyone to make within reason at this time, and would cover the necessities during the present fiscal year. When we came to that conclusion we were led on through the items to the amount needed for pay rolls to an examination into the character of the labor and method of supplying labor for this work and its efficiency, and after a very full investigation your committee came to the conclusion, as advised by the Secretary of War, the president of the Commission, and the chief engineer, that it was proper to offer here an amendment embodied in the paragraph

repealing the eight-hour provision controlling the work under the general law.

It is easily realized that labor had to be paid on the Isthmus more than it was accustomed to receive at home as an inducement to go to the Isthmus. I am now going to refer mainly first to the silver roll, or common colored labor roll. The rate of wages was originally settled on the 27th of August, 1904, for common laborers at 15 cents, and for those who had shown greater ability at 17½ cents silver per hour. By action of the executive committee at Panama, on May 31, 1905, this rate was raised to 20 cents for the ordinary laborer and 26 cents for those who had shown greater ability, which is the present rate of wages. Consequently the colored laborer at work there to-day receives from $1.60 to $2.08 per day of eight hours. It has been clearly proved that this rate of wages is abundantly high to attract labor to the Isthmus. The general character of the labor is such as can be found in the Tropics in adjacent countries. It is labor of a very indolent class, labor that will only continue at work as long as necessity requires, and it has been found on the Isthmus, where these rates of wages are being paid, that a large share of the labor will work only two or three days at a time, until sufficient money has been accumulated to enable the laborers to lie around for the rest of the week. Many of them accumulated so much during last season that some 2,000 Jamaicans went home to pass the Christmas holidays, and many of those, hundreds of them in fact, are now hastening back. It was clearly proved that the wages paid were higher than these men had been accustomed to receive.

Now, one of the main questions in connection with the construction of this canal will be, How can we get sufficiently efficient labor to perform this work? Experiments have been made with gangs of 1,000 men to determine how the efficiency of the work there compared with the effectiveness of ordinary labor here in the United States, and the president of the Commission informs us that its relative efficiency is only from 25 per cent to 33⅓ per cent compared with common labor here at home. Consequently, measured from the standpoint of efficiency, the rate of wages per day should be multiplied by three, at least, and probably by four, so that in cost to the United States it would be about the same as though common labor were paid here at home at the rate of $4.80 a day in silver.

It has been very difficult, as I stated a few moments ago, to keep these men at work. They go to work in the morning but soon disappear in the jungle, willing to abandon work under the slightest pretext. Therefore, the rate is paid per hour. The chief engineer said that after much consideration he had reached the conclusion that if he could work his men ten hours a day he would save the United States, in the expense for this common labor, at least 20 per cent each year, and that that sum would aggregate many millions. The climate is such that at the rate at which they work, any man can work ten hours a day and remain in good health.

Mr. TAWNEY. They work from daylight until dark.

Mr. LITTAUER. They work from sunrise to sunset at home, and for, probably, not more than one-half or two-thirds of the amount they are receiving on the Isthmus. Moreover, the general conditions for taking care of this vast body of men would be greatly improved if the hours of work could be lengthened. They would be healthier. They would sleep better. They would not acquire indolent habits so easily.

Mr. MANN. What has the Commission to say in reference to the time for constructing this canal? Is it possible with eight-hour labor to maintain two shifts?

Mr. LITTAUER. Well, the Commission informed us that they hope at some subsequent day, when the conditions of preparation are over, to at least work two shifts.

Mr. MANN. But it is not possible at present?

Mr. LITTAUER. It is not possible at present.

Mr. MANN. So that if the hours of labor are shortened 20 per cent——

Mr. LITTAUER. The hours of labor ought to be lengthened instead of shortened.

Mr. MANN. If the hours of labor were shortened 20 per cent, as they are now, to what they were before, it means 20 per cent increase in the length of time necessary for the construction of the canal?

Mr. LITTAUER. I can not exactly follow the gentleman on that. Twenty per cent more laborers may be needed to construct the canal, or 20 per cent more time devoted to work.

Mr. MANN. I say it will take 20 per cent greater length of time to construct the canal working with eight-hour labor than it will with ten-hour labor?

Mr. KEIFER. With the same number of men.

Mr. MANN. It must be supposed we have at work there eventually all the men who can be employed at any one time.

Mr. LITTAUER. It is the intention, of course, that this work shall progress just as fast as it can, and the Commission looks forward to having an appropriation to permit it to go ahead with the work as it can be readily handled, and certainly it is the intention of Congress so to provide.

Now, as to the gold roll and the bearing of the eight-hour law on the mechanics, the engineers, and others on that roll who either to-day or in the future will handle the big steam shovels or act as engineers, or in some other capacity, on the railroad or in the machine shops, and who goes down to the Isthmus in order to better his condition, in order to secure higher rates of wages than are prevalent for a similar character of work at home. When he gets there he finds that his ability to earn is curtailed by the eight-hour law; he clamors for the opportunity to work more hours in order to earn more wages, and consequently the Commissioners are importuned, day after day, by the largest proportion of these men to permit them to work overtime. They are working in the Tropics; their field of diversion is naturally very much restricted, with no opportunity for outdoor exercise. The Commission is positive that these men can work longer without detriment to their health, and that they can perform, by working longer hours, the proper proportion of work; that it would make them more contented, and that it would be easier to get better men, for the conditions of employment in the United States now make it difficult to secure first-class mechanics to do this work under the eight-hour restriction there. We believed it was good policy, both for the interests of these mechanics and for the Government, that the eight-hour law be repealed, especially so far as it has to do with this gold roll of labor, and particularly because of those included on the gold roll, over 80 per cent of whom perform clerical labor and are, in consequence, exempted from its provisions.

Mr. MANN. If it will not interrupt the gentleman, I would like to call his attention to paragraph 15, line 12, for salaries, etc. I hope that the gentleman will not think I have any idea at all of criticising the committee in bringing this bill in the shape it is in. I want to obtain some informaton for the next bill that is coming in. The law that passed in December provides that the President shall annually cause to be made by the persons appointed or employed by him in governing said Canal Zone and the construction of said canal estimates of expenditures and appropriations in detail, so far as practicable, which estimate shall cover all annual salaries paid to persons employed on said work, etc. It was stated in another body, located at no great distance from this, while this bill was under consideration, that the estimates would be prepared in time for this deficiency bill. The gentleman is not responsible for that statement?

Mr. LITTAUER. No.

Mr. MANN. And I beg to ask him whether such an estimate has been presented?

Mr. LITTAUER. Such an estimate has not been presented, but discussions with reference thereto were had. The provision of law requires plainly that the schedule of wages or salaries should be included in the expenditures for the next fiscal year. Consequently your committee did not feel warranted at this time to go into a determination of just what salaries it would recommend. The legislative bill will, at an early day, be before the committee for preparation, or the sundry civil bill, if this subject belongs therein, and then this mandate will, of course, be carried out. The list of salaries was published, I believe, by the gentleman asking this question when the first debate was on. If there is to be an investigation in connection with the amount paid for salaries, that can all be made through that committee, with a view of determining the salaries, but for the three months of the present fiscal year, for which this bill provides, your committee felt that it would not be well to enter upon that broad subject.

Mr. MANN. As I said before, I have no criticism of the committee in reference to it; but I would like to ascertain, if possible, what is to be the policy of the committee. The distinguished chairman of the committee I suppose will be at the head of the subcommittee on the sundry civil bill, and I should like him to state if it will be the policy of the committee to appropriate specifically for the salaries of this Commission and the employees of the Commission. If the gentleman is willing to yield to his colleague long enough to permit him to make a declaration on that point I am sure it would be of very great value to the House.

Mr. LITTAUER. This mandate applies to the next fiscal year.

Mr. MANN. The law requires an estimate shall be made for the next fiscal year. What I desire to know is whether it will be the policy to bring in a bill appropriating specifically or if

it will be as is done with the Revenue-Cutter Service, for instance, where an appropriation of so many dollars in a lump sum is made rather than appropriations specifically?

Mr. TAWNEY. I will say to the gentleman from Illinois, speaking for myself as chairman of the committee, we shall endeavor to follow the practice, the long-established practice of the House, following the law which applies alike to all the Departments, which requires them to submit their estimates to Congress. They are referred to the Committee on Appropriations. The Committee on Appropriations has heretofore included in the legislative bill specifically the salaries for all the officers that have been authorized by law. I know of no reason why that practice will not follow or obtain when we come to legislate with respect to the salaries for officers in the employ of this Commission.

Mr. MANN. If the gentleman will pardon me, I simply wish to say this: In my own judgment the Isthmian Canal Commission ought to be abolished; the work ought to be put under the control of the President; then the power of Congress to watch the work ought to be maintained through the appropriation bill, and in such way prevent extravagance by making specific appropriations for salaries and as specific as possible for other items of public work. Unless the appropriation is made specifically for the salaries there is no way of preventing extravagance, and it is not possible practically by law outside of an appropriation bill to provide what the salary shall be for a place, because the place may be in existence this year and not be in existence next year.

Mr. TAWNEY. So far as the abolition of the Commission is concerned, I think the gentleman from Illinois will admit that that does not come within the jurisdiction of the Committee on Appropriations. Whatever appropriations are made will have to be made in accordance with existing law.

Mr. MANN. Oh, I understand that.

Mr. TAWNEY. And if it is for the best interest to abolish the Commission the committee of which the distinguished gentleman is a member has jurisdiction of that and of the whole subject and can act on it.

Mr. MANN. We have a bill before us on that subject now; but it might make a great deal of difference as to what should be put into that bill, as to whether we should endeavor by law to create certain places and fix salaries in that bill, or whether we should leave that to the Committee on Appropriations, where, in my judgment, it belongs.

Mr. FITZGERALD. The gentleman knows that the Committee on Appropriations has no power to fix the places.

Mr. MANN. That is the very point I am trying to draw out. "The gentleman" believes that the Committee on Appropriations has the power to make a specific appropriation for a certain place which is authorized by law. We authorize the President to employ a man and fix his salary until Congress acts; but the Committee on Appropriations in its bill can say what salary shall be paid to that man by fixing a salary for the place, and that is the only protection Congress has from extravagance in the construction of the canal, except the protection of the President himself, who will undoubtedly do all that human nature can do.

Mr. HOGG. Under this ten-hour provision is it the purpose of the Government to increase the pay of the laborers there?

Mr. LITTAUER. It is not. The Chief Engineer of the Commission believes that they can secure as efficient labor at the rates now being paid and that the labor will be willing to accept such compensation for ten hours' work. They are paid by the hour. A workman can work six hours, if he desires to, and if it is his usual custom to work longer than that he can do so.

Mr. HOGG. Then under the ten-hour arrangement they would get more pay?

Mr. LITTAUER. It is contemplated, I believe, to reduce the rate per hour. The laborer would get more pay actually.

Mr. HOGG. It is admitted that it is not a healthy place to work.

Mr. LITTAUER. Oh, it is being put in a condition that we are advised will make it quite as healthy a place for labor as many situations in the United States.

Mr. HOGG. And you say that the longer they work the healthier they will be?

Mr. LITTAUER. No; I do not claim that.

Mr. HOGG. That they will sleep better?

Mr. LITTAUER. Yes; I claim that if they work ten hours the less trouble they will get into and have less opportunity for indolence.

Mr. HOGG. On that theory you ought to work them twenty hours a day, and then they would not have any time to get into any devilment at all.

Mr. LITTAUER. Ten hours would result in the betterment of their condition and would be a saving to the Government of at least 20 per cent.

Mr. HOGG. I should like to make a point of order on page 16——

The CHAIRMAN. The committee has not yet reached page 16.

Mr. LITTAUER. The committee has not reached page 16. This is general debate.

I trust that no attempt will be made to apply American standards either to the rate of pay or the amount of work accomplished by labor in the Canal Zone. The reasons for the eight-hour law in the United States are the maintenance of the standard of living of the working people in this country, and these would not in any way apply to the alien colored labor drawn from the Tropics at work in the Canal Zone.

Mr. GARDNER of New Jersey. There might, perhaps, be no objection, if I may be pardoned, with great respect to the committee, or, I will say, there would be much less likely to be objection, if the statements of the gentleman as understood by myself, and I suspect as understood by the House, on behalf of the committee, were consistent. A little while ago, in the gentleman's discourse, the strongest argument in favor of this amendment was that the men were sent down from the north, skilled laborers, and that they worked by the hour; that they were importuning the authorities to be allowed to work overtime and for the opportunity to make more money. Then when the question is raised on the point of the probable cost the gentleman meets that by the proposition that it is contemplated to reduce the wages per hour.

Mr. LITTAUER. I was not careful in my statement, sir. I was referring to the colored common labor, and not to skilled mechanics. A larger number of skilled mechanics is necessary for the proper prosecution of this work. It is difficult to obtain their services. We can only get them to go to the Isthmus by the inducement of higher wages, and we want to give them the opportunity to earn every dollar that the work will permit them to earn, and that they are capable of earning, and at the same time retain their good health and general condition.

Mr. Chairman, I will reserve the balance of my time and ask the gentleman from Georgia to occupy a part of his time.

Mr. LIVINGSTON. Mr. Chairman, I now yield ten minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I do not intend to discuss all the provisions in reference to the isthmian canal appropriation, but I see that the committee, in an unusual way, is attempting to pass an amendment to the eight-hour law of the United States. They provide in this bill as follows:

> The provisions of the act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, shall not apply in the construction of the isthmian canal within the Canal Zone.

Now, Mr. Chairman, I wish to say this: We are not making laws in relation to eight hours' labor for other people. In this isthmian canal work, like all other work that is engaged in by the Government of the United States, we stand as the employer, and we are not making a contract with reference to the hours of labor; we make an agreement with the laborer as to how many hours he shall work in the United States. Now, we have fixed the American standard.

Mr. LITTAUER. The Commissioner stated to us that 80 per cent of the men arriving never heard of the eight-hour law until they got there.

Mr. UNDERWOOD. I will put in the RECORD what the Commission said. I am not in favor of letting a lot of men on the isthmian canal state what shall be standard in America. [Applause.] The Congress of the United States has fixed the standard of American labor for the people that were employed. Now, if there are a lot of people on the isthmian canal who would like another standard that is not our affair, but it is our affair to treat the American workman to-day as we have agreed to, as you have agreed to do, and as your great party agreed to do in the last election. There is not a man on that side of the floor of the House but knows that the Republican headquarters in the last campaign sent out carloads of literature saying that Mr. Roosevelt, the head of your Administration, was in favor of maintaining the eight-hour standard of labor; and now I want the country to see what the head of your work, the man appointed by your Administration, says in reference to maintaining the American standard of labor, when you are confronted with the proposition of the isthmian canal, where you expect to hire more labor than anywhere else under the flag of the United States.

Mr. Chairman, I ask the Clerk to read a portion of the hearings on this question that I have marked.

The Clerk read as follows:

Mr. STEVENS. I do not know as to the printed instructions; they have their instructions. Common labor is 20 cents an hour silver. After a man has demonstrated his efficiency so as to be worth more than that, and as was undoubtedly done originally to spur a man to do better work, in case he is needed for that work, then he is given 26 cents, but never higher than that price.

Mr. GRAFF. How many hours do they work?

Mr. STEVENS. Eight hours are all we are allowed to work.

Mr. GRAFF. What time do they commence in the morning?

Mr. STEVENS. They work from 7 until 11 and then from 1 until 5.

Mr. LIVINGSTON. Would they not like to work more than eight hours if they had an opportunity?

Mr. STEVENS. I do not know. I think it is fair to say that they do not like to work at all.

Mr. TAWNEY. Could you work them more than eight hours if you were allowed to by law?

Mr. STEVENS. Yes, sir.

Mr. TAWNEY. And you could work them to better advantage if they worked more hours?

Mr. STEVENS. Yes, sir.

Mr. LITTAUER. Suppose the eight-hour law was abrogated, would you work this colored help more than eight hours?

Mr. STEVENS. Yes, sir; and I would not pay them so much per hour.

Mr. GRAFF. What number of hours are they accustomed to work?

Mr. STEVENS. I can not tell you. On the plantations in Jamaica a great many of them, I think, work practically from daylight to dark.

* * * * * * *

Mr. LITTAUER. Would you recommend the abrogation of the eight-hour law, so far as it refers to the canal operations?

Mr. STEVENS. Yes, sir.

Mr. LITTAUER. And you believe that you could get more work for the same amount of money?

Mr. STEVENS. Yes, sir; undoubtedly; 20 per cent at least. You asked about their coming back. I want to state that I am aware of these criticisms and insinuations, particularly about Jamaica. I have the reports of the Isthmus as to the people returning of their own volition from Jamaica and they show that upward of 500 came back since January 1 and that they are seeking work. You understand that Jamaica is an English colony and they observe the holidays, and these men bring back the report that there is a number coming after them. I have not a man in Jamaica and I have not hired a man in Jamaica for five months.

You asked me about the eight-hour law. One source of irritation with the American labor on the Isthmus is because they can not work overtime. They say we have come down away from our homes and we want to earn money, and they have deluged us with requests and petitions to be allowed to work overtime more than the eight hours. Of course my hands are tied and I can not allow it.

Mr. UNDERWOOD. Now, Mr. Chairman, the gentleman in charge of this bill contends that the workmen on the Isthmus—the American workmen—want the eight-hour law repealed. I grant you that what Mr. Stevens, the chief engineer, says bears him out in that respect. Isn't that an absurd proposition? What does Mr. Stevens say? He says he wants the eight-hour law repealed, not to allow them to work ten hours and get ten hours' pay, but he says distinctly that he wants it repealed so that he can make them work longer for the same amount of pay. Now, do you think any man on the Isthmus, American or not American, is petitioning the Congress of the United States to have his time extended so that he can work longer for the same amount of money?

Mr. LITTAUER. If the gentleman will permit me, his inference is wrong from the statement he has already made. The engineer is referring there very plainly to the colored roll and not to the gold roll—not to the roll that covers the pay of mechanics.

Mr. UNDERWOOD. I have read it, and the gentleman from New York is assuming that he is referring to the one roll and not the other. The gentleman does not say that he wants the pay for the gold roll for ten hours and the other roll for eight hours.

Mr. LITTAUER. The engineer says, "One source of irritation to the American laborer on the Isthmus is because they can not work overtime." Now, the American laborer is the laborer on the gold roll.

Mr. UNDERWOOD. The gentleman from New York is taking up my time from that assertion. I have had it read from the desk. He also says that he proposes to have this change made so that he can save 20 per cent, and when he says that he will save 20 per cent he doesn't say he is going to save it out of the silver roll.

Mr. LITTAUER. Will the gentleman permit me to take up another minute of his time. Mr. Shonts says: "Ten hours a day for common labor would make them healthy; they would have less time for devilment; they would sleep better; and when we consider the small number who would receive any benefit at all on the one hand and the 20 per cent increase in the cost on the other, the millions of dollars it means and the labor demand at home, it does seem to me a very funny business to continue the eight-hour law." Mr. Shonts there refers specifically to common labor.

Mr. UNDERWOOD. Not at all; he is referring to the common laborer at that particular point——

Mr. TAWNEY. Will the gentleman permit me?

Mr. UNDERWOOD. Let me finish my sentence—but he does not refer to anybody when he says that he expects to have them work ten hours with eight hours' pay.

Mr. TAWNEY. Will the gentleman permit an inquiry?

Mr. UNDERWOOD. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent that the time of the gentleman may be extended.

Mr. LIVINGSTON. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. TAWNEY. How many common laborers are now employed down there by the Commission?

Mr. UNDERWOOD. Oh, I do not know the number.

Mr. TAWNEY. Seventeen thousand; and of the remaining number of employees about 1,500 are clerks, to whom the eight-hour law does not apply. So there are only about 1,000 skilled laborers affected, and these want to work ten hours, but can't. The total number employed is 19,000.

Mr. UNDERWOOD. That does not affect the argument in the case.

Mr. TAWNEY. But the gentleman was conveying the idea that we were employing all American labor on the Isthmus. I simply wanted to know whether he knew anything about it.

Mr. UNDERWOOD. I am not attempting to do anything of the kind. I merely say this: That white or black, any kind of labor, the American people have fixed the standard of American labor at eight hours. The Congress of the United States has fixed that standard of labor, and if you take this step on the Isthmus you are starting to take a step backward all along the line, and you are going away and abandoning the principle that you have agreed not only here in Congress, but on every stump in this land to maintain, and that not later than your last campaign.

Mr. LITTAUER. Does the gentleman believe that we could secure these mechanics to work there at 20 per cent less rate than they are now receiving?

Mr. UNDERWOOD. No; I do not think that has anything to do with it. I am not here advocating cheap labor. I have never advocated cheap labor. I do not believe in cheap labor. I do not believe in cheap labor that the Republican party is allowing to pour into the port of New York and other places from Europe every day, and I have tried ever since I have been here to pass a law to stop that cheap labor coming into this country. I do not believe in cheap labor on the Isthmus; I do not believe in it here. I believe in maintaining the American standard wherever the American flag floats.

Mr. LITTAUER. The gentleman believes in the American standard of common labor, to be maintained at the Isthmus, and a force secured adequate to conduct this work of excavating the canal.

Mr. UNDERWOOD. You may not get as good labor at the Isthmus as you can at home, but that does not prevent you from maintaining the American standards in carrying out your work, and I say that we are committed to those standards, and the Appropriations Committee has no right in this way to attempt to repeal the statute law that the people of the United States have put on the statute books; and I want to say that if no one else raises the point of order, I ask the Chair now when the point is reached to recognize me that I may make the point of order against this proposition.

Mr. TAWNEY. The gentleman from Colorado [Mr. HOGG] has preempted that right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. Mr. Chairman, I yield the balance of my time, or so much as is necessary, to the gentleman from Mississippi [Mr. WILLIAMS].

The CHAIRMAN. The gentleman from Mississippi is recognized for thirty minutes.

Mr. WILLIAMS. Mr. Chairman, I have no idea of occupying the time of the House for thirty minutes. I do desire, however, for five or six minutes to address myself to this proposition. It seems to me that the gentleman in charge of this bill has made a mistake in his estimate of what an estimate is. Some time ago we were faced with an emergency bill to provide sixteen and one-half millions of dollars for the prosecution of the work on the Panama Canal. The House then expressed to the Panama Commission and to the country its desire that hereafter appropriations for the construction of the Panama Canal should take the usual course. If there were any necessity for appropriating the amount of this bill, that necessity could have been met by introducing into this House a bill duly reported from a committee, duly passed upon in a regular way, or else by a provision on a regular appropriation bill.

It seems to me that the most hopeless thing about us individually and collectively in attending to our duties in Washington as a legislative body is the contemplation of the impotency

of the legislative branch of the Federal Government in connection with all sorts of matters. We are led around by the nose—with rings in our noses—by chiefs of bureaus, chiefs of divisions, and heads of departments, and whenever we give notice to the country, after voting down a part of an appropriation in an emergency bill, that we would demand the regular order, gentlemen come in later on, out of the regular order once more, this time in the phase of a deficiency bill, asking that what the House refused to do irregularly shall still be done irregularly. Now, the gentleman speaks about the estimates having been given to the committee, to the House, and to the country. No estimate, in the true sense of the word, has been given at all. In the regular routine of business an estimate means much more than what this committee brings to this House now. An estimate comes from the Department. It comes printed. It comes long in advance. It comes in time to be ready for the study and consideration of each Member of this House and for the study and consideration of the country, in order that the country may influence this House.

Mr. LITTAUER. Will the gentleman permit——

Mr. WILLIAMS. One moment. And the only thing which comes before us here now are a lot of detailed statements furnished to this committee, never furnished to this House in any proper manner, no hearings that could be followed by the country, no opportunity for the country outside of this House to consider the question before them and to influence the House. This is a popular government, or it is supposed to be. It is a government of the people, through their representatives, and not a government of committees, not a government of representatives merely, but a government of the people by the people, through their representatives and through their committees. Now I will yield to the gentleman.

Mr. LITTAUER. Does not the gentleman know that regular estimates, as full as estimates usually submitted to the House, have been forwarded by the Secretary of War, through the Secretary of the Treasury, and they are before the committee and before the House—a regular document of estimates?

Mr. WILLIAMS. I do not know that.

Mr. LITTAUER. And that the hearings were held in the usual way and that the published hearings are now to be had by anyone who asks for them?

Mr. WILLIAMS. Yes; "now to be had," but not to be had a sufficient length of time before this question was brought to the consideration of the House for the country to determine for itself the wisdom or unwisdom of this policy. I know a so-called "detailed statement" was submitted to this committee, and I do know that this committee attempted to make a detailed appropriation to this House. Let us see how detailed and how specific that appropriation is. Let me read it, Mr. Chairman: "For miscellaneous material purchased in the United States, $1,000,000." How miscellaneous? What material? What purchases? "For miscellaneous purchases on the Isthmus, $400,000." That might be held to be comparatively specific except for the language put in there later, "and miscellaneous expenditures." That will be the language of the law when it goes out. Will you tell me what possible devotion of money to any possible purpose is not covered by the language "and miscellaneous expenditures?"

Mr. LITTAUER. Does the gentleman not think that this appropriation is in line with every other item of an appropriation bill covering miscellaneous expenditures? The estimate for these miscellaneous expenditures is given in full detail in the estimate.

Mr. WILLIAMS. There is no estimate; there is a statement to a committee of this House.

Mr. LITTAUER. Well, it is an estimate forwarded to the House from the Secretary of the Treasury in the usual way, and that estimate covers such items as labor, equipment, lead pipe, iron pipe, vitrified sewer pipe, lumber, cement, forage of animals, and so on.

Mr. WILLIAMS. I have read all that.

Mr. LITTAUER. And if we were to attempt to legislate on each one of those items do you think it would be for the best purposes? We give the sums gathered together under the proper heads of the various items.

Mr. WILLIAMS. Mr. Chairman, I yielded to a question, but not for a speech, which my friend so delightfully makes to the House, not that I do not care to hear it, because it always pleases me to the utmost, but because, actuated by the ordinary Congressional weakness of preferring to hear my own speech rather than the other fellow, I really must cut the gentleman's time off or add to my own. "For amount to pay the Panama Railroad Company for material and services"—that is the next item I find here—"$200,000." Who owns the canal? The United States. Who owns the railroad? The United States.

And yet here is an "estimate," as it is called, of something for the United States to take out of one pocket and pay back into another pocket of the United States. "For Isthmus pay rolls, $2,100,000." Now, I am glad to see that; I mark that with my approval, because that is the only part of this appropriation that is devoted to digging, if, indeed, it is. Now, when you go to build a canal I like the digging part of the work. I find that $2,100,000 of this appropriation is appropriated to dig and the balance is appropriated for something else. Let us follow this up. Now, "For new equipment purchases, $1,565,786," in all, $5,340,786, "which shall continue available until expended." Yes; continue in itself available plus another deficiency, I expect. You have been engaged here two or three days trying to limit the Executive Departments from overriding the will of Congress with regard to expenditures by coolly making deficiencies out of things they have asked for and you refused to give them. You are trying to limit and restrict that, but the one thing you seem not to want to limit and restrict is this Isthmian Canal Commission.

Mr. TAWNEY. The gentleman knows as well as every other Member of this House that the same limitations that apply to the Executive Departments in respect to the expenditure of appropriations made will apply to the Isthmian Canal Commission or to the President of the United States, under whose general jurisdiction the expenditure is made.

Mr. WILLIAMS. Mr. Chairman, it would do it but for this bill. The Isthmian Canal Commission—and the gentleman from Minnesota knows it; he talks about what I know——

Mr. TAWNEY. Knows what?

Mr. WILLIAMS. Violated your own law about existing appropriations, and instead of holding them accountable for the law you are giving them what they demand.

Mr. TAWNEY. The Isthmian Canal Commission violated the law?

Mr. WILIAMS. Undoubtedly, in creating this very deficiency.

Mr. TAWNEY. They have created no deficiency.

Mr. WILLIAMS. Then what have you got five millions and a half of dollars for them in a deficiency bill for?

Mr. TAWNEY. There is no money that is available for the doing of the work of the Commission after April 1, and there never has been except up to the 1st of April.

Mr. WILLIAMS. Is this a deficiency appropriation or not?

Mr. TAWNEY. No; it is not.

Mr. WILLIAMS. Then what is this doing in a deficiency appropriation bill?

Mr. TAWNEY. It is for the same reason that there is in the neighborhood of $7,000,000 in addition to this carried in this bill as emergency appropriations, not as deficiencies.

Mr. WILLIAMS. Then, Mr. Chairman, if this is not a deficiency, it ought not to be on this bill.

Mr. TAWNEY. The gentleman will pardon me——

Mr. WILLIAMS. And that reenforces what I said a moment ago, that this appropriation ought to have been brought into this House by a separate bill, with opportunity for this House to consider it at length, and not upon this particular bill, or else it ought to have been brought in on an appropriation bill later on. Now, a few words——

Mr. TAWNEY. Will the gentleman pardon me just a moment?

Mr. WILLIAMS. Very well.

Mr. TAWNEY. It is not a deficiency in the sense that Congress has heretofore appropriated less money for the service during this fiscal year than was expended. It is a deficiency in the sense that the Congress has not appropriated at all, and it is anticipated that they will require this additional appropriation before the expiration of this fiscal year. There is no deficiency to-day in the amount already appropriated.

Mr. WILLIAMS. There is not? Then why this item?

Mr. TAWNEY. This carries it from the 1st of April until the 1st of July. This is to provide for the expenses incident to the work on the Isthmus or in the Canal Zone during that time.

Mr. WILLIAMS. Now, Mr. Chairman, having heard that explanation, and leaving it to the common sense of the country and the House to determine whether it explains or not, I shall proceed with a discussion of this matter.

Mr. Chairman, we are about to construct—and "about" is a very accurate word in this connection, because it is the most indefinite and vague word I know of, and, in connection with the Administration's management of the isthmian canal matter, in order to be accurate we have to use indefinite terms—we are "about" to construct the isthmian canal, and yet no-

body knows whether it is to be a sea-level or lock canal. Nobody knows whether the Government is to build it or whether contractors are to build it. Nobody knows anything about it, except that sixteen and one-half millions of dollars have gone the way of all the other money that went just before it. Nobody knows anything about it, except that it begins to smell a good deal like the old French isthmian canal in its day and time before its rottenness was thoroughly disclosed.

Now, there is a common-sense way of building that canal. The American people want it. The section for which in part I stand wants it especially. This side of this Chamber, if it were allowable to mention it in connection with a great national project like this, wants it especially. But what we want is the canal. We are not dead in love with the expenditures for the canal; we are not dead in love with the people who are running the Canal Commission; we are not dead in love with anything except digging the ditch. We want the ditch dug. We people on this side of the Chamber want it dug because it will decrease the amount of money necessary in order for the United States to engage in commerce with other nations. What you gentlemen on that side of the Chamber want to do, God only knows [laughter], because as a rule you preach the doctrine that the more expensive it is to trade with other nations the greater blessings we of the United States have in the way of full possession. [Applause.] We want it. Now, there is a common-sense way of digging it. If any business man who was not a ditcher, not an engineer, had to dig a canal, he would go out and employ somebody who was a ditcher and somebody else who was an engineer to dig his ditch. We have undertaken to let a lot of politicians and a lot of officeholders dig this ditch. They do not know anything about digging a ditch and never will know anything about digging a ditch.

Mr. LITTAUER rose.

Mr. WILLIAMS. Do not interrupt me right here. We have reached the ditch and the question of digging the ditch itself. There is a common-sense way of digging that ditch, and digging it within five years; possibly three years. And if any of you, as a business matter, were charged with the responsibility of digging it, you would dig it that way. What is it? You would take that cut from the Gulf of Mexico to the Pacific Ocean and divide it up into separate cuts. You would give a man as much as 3 miles down in the swamp and upon the level, but when you got to Culebra cut you would not give him more than a quarter or half a mile, and you would give out the work to the cheapest contractor that would give bond to do the work within three or five years. Strange as it may seem to you, a business man with the money behind him that the United States Government has would have the canal in operation within five years.

Mr. TAWNEY. Is the gentleman open to such an engagement?

Mr. WILLIAMS. What is the use of Congress coming here with this "for new equipment purchases," "for miscellaneous material purchases," "for Isthmian pay roll," so much money, and so much more, when any one of you knows that it will all be useless; you are going to give it out by contract. Gentlemen say that there will not be as good sanitary conditions along the canal under a contractor as under Government control. That I admit. That is true. A very much larger percentage of mortality would appear. They say it would cost more money. That is true, within a given length of time, but when you compare the percentage of mortality and the percentage of expenditure that would take place on the basis of the short time of three or five years with the aggregate mortality and expenditure that would take place upon the basis of the long time of twenty or twenty-five years, the scales weigh down in favor of the short term. There will be less in the aggregate of deaths, less in the aggregate of dollars expended, if you give the job out in the common-sense way to contractors.

There is another thing, Mr. Chairman; if you undertake to give the entire canal to one contractor you will find only about three concerns in the world that can bid. If you undertake to divide out the line of canal into cuts of 2 or 3 miles between level places, or half a mile, or a quarter of a mile in another and more difficult place, on the line run out by the United States engineers, so that each man will have his work laid out in front of him, each will go on with his own work, and each part of the work will lap with another part of the work. You can then find all over the United States not three but thousands of men who can undertake to bid for that work, because even if a man loses upon his contract it is not such an immense contract that it will bankrupt him; whereas if a man loses on a contract for the whole job he would be utterly bankrupt, and we will have bill after bill brought into the House to release him from a part of his obligation upon the contract he has undertaken.

Now, I want to say, in the interest of that part of the American people who want the canal dug, that want ships to go through it, that want freer commercial relations with the balance of the world, made freer by cheaper freight rates, made freer by easy transit from one great ocean to another, that it is about time that we were determining—not leaving to the President to determine, not leaving to the Commission to determine—but determining for ourselves how we are going to dig the canal. My own opinion is——

Mr. WILEY of New Jersey. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from New Jersey?

Mr. WILLIAMS. Yes, always; but let me finish that sentence. My own opinion is that the War Department ought to subdivide this work, so as to put it within the reach of ordinary contractors—not necessarily people worth a hundred million dollars—so that one man could bid for 2 miles down in the plain, another for a quarter or half a mile up in the mountains, or in the Culebra cut; block out the work for them and let them go to work, and do dirt slinging instead of all this miserable Washington red tape that seems to be all we are doing now, and which seems to lead to nothing but political mud slinging.

Mr. WILEY of New Jersey. Mr. Chairman, I want to enforce what the gentleman from Mississippi [Mr. WILLIAMS] has said. I had not expected to say anything on the subject, and I have made no preparation, but I am a bit stirred up. The evil lies back of what is suggested in the gentleman's remarks, and it is that they have as yet no design for that canal. I am speaking now as an engineer. If you have a piece of work to be done, you first begin with the design. At the present time the only gentleman who, I think, has had any experience in canal work on that Commission is Mr. Harrod, from the gentleman's section, whom I happen to know personally.

Mr. WILLIAMS. An old member of the Mississippi River Commission.

Mr. WILEY of New Jersey. Yes; that is the man.

Mr. WILLIAMS. Down in the old levee district of the Mississippi.

Mr. WILEY of New Jersey. But what they want first is a Commission of expert canal men who shall make a design for that canal. I think the Government should control the sanitation of the Isthmus, and I believe it has been very well done so far as I have been able to find out, but the canal should not be dug directly by the United States Government. The work should be broken up into sections, and given to the lowest bidders under competitive bids, and under proper bond, and the chief engineer should simply carry out the ideas of this canal Commission of experts.

Mr. WILLIAMS. That is right.

Mr. WILEY of New Jersey. If you have trouble with your eyes you do not go to a chiropodist, but you go to an oculist, and that is what I have been trying to urge on the Secretary for some time—that he get a commission of canal experts. I was at a meeting of civil engineers last week in New York City, and I sent in the names of twenty experts, some of whom I do not know personally, but whom I know about, and I told the Secretary of State he could submit those names to any engineers of standing in the United States and they would tell him each one of those men was an expert on his subject. One of them had charge of the Sault Ste. Marie locks. One of them was Mr. Noble, who knows more about it than any other man in the country. Another was Mr. Stearns, who constructed the dam for the Boston waterworks, and there were at least fifteen or twenty more of them of the highest standing. That is the way the canal ought to be dug, and it would be dug well and dug soon. [Applause.]

One of the difficulties of the De Lesseps Panama Canal was the lack of a continuous design; and I was informed by a division engineer on that work that he was told to continue his work in a certain direction until he had different instructions; and he further stated that he did not think such a thing existed as a concerted design of the entire canal work.

Mr. WILLIAMS. I am glad that the gentleman from New Jersey interrupted me, because with expert information upon a question concerning which I have none, he has been able to express himself infinitely better than I could have expressed myself. In the light of what he has said, and in the light of this question as it stands before the country, what is the use of our expending $400,000 "for miscellaneous material purchases?" It may turn out afterwards, when we give the job away by contract, that we have got just that much dead machinery on our hands. I appeal to the gentleman from Ohio [Mr. BURTON], the chairman of the Rivers and Harbors Committee, if he would ever report a bill to buy dredge boats, and to buy dynamite, and to buy all sorts of machinery for work that he contemplated finally giving

out by contract? Why not? Because when you do give it out by contract you have just got the plant on your hands. How are you going to dispose of it? Sell it for nothing—put it up and let it go at whatever it will bring? If that is a correct statement—and I believe it is right—what is the sense of purchasing new equipment?

Mr. LITTAUER. Will the gentleman permit me to correct him?

Mr. WILLIAMS. You can not correct me there, because there is nothing to correct.

Mr. LITTAUER. The statement you had just finished when I began to address you.

Mr. WILLIAMS. I beg your pardon.

Mr. LITTAUER. You said, "What is the use of laying out money for miscellaneous expenses?"

Mr. WILLIAMS. I did not say that. I said "miscellaneous material purchases."

Mr. LITTAUER. "Miscellaneous material purchases." Do you not know that those purchases are to be made for the purpose of getting ready, for the purpose of preparing to do the work of excavation? If we can take the testimony of such men as Mr. James J. Hill, who surely has had experience in this line, he told me we would be fools to begin any sort of work down there for two years, until we had made the fullest preparation. We are now preparing railroad tracks and disposing of the dirt that will be excavated at the time, and one of the greatest problems in connection with all this work is where to put the matter that will be excavated.

Mr. WILLIAMS. Now, then, Mr. Chairman, I do not see that the interruption of my genial friend from New York has illuminated the particular point I was addressing myself to. The point I was making was this: If we are going finally to give out this work by contract, we do not want to be purchasing material, we do not want to be purchasing new equipment called for in this item of $1,165,786—they have got it down to $6; they know exactly what it is going to cost, provided there isn't another deficiency, don't you understand—what is the use of our buying a great excavating plant unless we are going to do the excavating, if we are going to give the work out by contract—and before we have built the canal that is what we have got to do—because the Government can not dig the canal either economically or honestly.

Already these things have become a stench in the nostrils of the American people. It has already demonstrated itself as a failure, as far as the digging this canal is concerned. All sorts of malodorous things are coming up before the American Congress to be smelled at, and sniffed at and passed over. Why, Mr. Chairman, if I was disposed to be a partisan, a mere sewer pipe—I have received from the Isthmus myself enough charges of every description about graft and corruption and rottenness down there to make the whole thing suspected. I have brought none of it before the House of Representatives, because I do not know the reliability or the responsibility or the truthfulness of the people who have been corresponding with me. I never make myself the voice of any sort of information that reflects on the integrity of any man, or any set of men, until I know, or I think I know, beyond all peradventure of doubt that the statements are true.

But it is in the air—it is floating all around. Gentlemen all know that we have got to get rid of this thing as a Government venture. We want the Government itself to supervise; we want the Government to tell where it is to be dug; we want the Government to tell how it is to be dug; we want the Government to sit in supervision over the work as it is done, but why in the name of God and common sense do you want to spend this money for material and equipment when it may happen—whether it has happened or not—that in a few months you may give out the work by contract, and then you will have to trust to the tender mercies of the contractors to take off your hands the material and equipment you have purchased for doing the actual work which you will not continue to do, and which the contractors will continue to do?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LIVINGSTON. Mr. Chairman, have I any time left?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. WILLIAMS. Mr. Chairman, I ask one minute and a half——

Mr. LITTAUER. I will yield that to the gentleman.

Mr. WILLIAMS. I want to say that the proviso on page 15, to raise the money by issuing bonds, meets with the objection that I made in the House the other day. I do not care to repeat all that, nor to reenforce it by further argument. I think when people have money in the Treasury or in the bank lying to their credit they ought not to borrow money. I do not think it is sound business sense.

Mr. LITTAUER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. DE ARMOND. I want to ask unanimous consent that I have five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to modify the rule so that he may have five minutes.

Mr. WILLIAMS. And I couple with that the request that the five minutes be not taken out of the time on the other side, but that the other side have five minutes more.

The CHAIRMAN. The request is to modify the rule so as to give five minutes to the gentleman from Missouri and twelve minutes to the other side. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTAUER. I yield the balance of my time to the gentleman from Illinois [Mr. MANN]. Does the gentleman from Missouri desire to speak now?

Mr. DE ARMOND. Any time.

The CHAIRMAN. Then the Chair will now recognize the gentleman from Missouri.

Mr. DE ARMOND. Mr. Chairman, I am one of those who believe, although it may be erroneous, that a great public work can be done best by those who administer the Government. I really am of the opinion that probably this canal can be best and cheapest dug by the Government itself. I may be entirely wrong in it, I do not profess to know much about it, but it appears that way to me. Now, I can not very well understand how that Culebra cut can be let out to half a dozen or a dozen contractors. It is 5 or 6 miles long, several hundred feet wide, nearly all solid rock, and several hundred feet deep in places.

Just how the man at the middle of that cut, having a quarter of a mile or a half a mile, would progress on his own account is something that my knowledge of engineering has not yet brought to me. Then, it seems to me that the taking away of the dirt, the disposition of that which is taken out of the huge cut, is a matter that has to be done carefully and dealt with by wholesale. Not to go into the matter far, and no one could in five minutes, it appears to me that we ought hardly to rush off on the spur of the moment and commit ourselves to the proposition of doing this work by contract.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield?

Mr. DE ARMOND. I can not yield just at present.

Mr. WILLIAMS. Of course the moving of the dirt is a collective affair. The Government owns the railroad. That is not part of the contractor's duty; they do not control that.

Mr. DE ARMOND. Oh, I understand the proposition then is to contract in part and do part by Government—contract with somebody to dig and then the Government will haul away the dirt. That is an important modification, but leaves in my mind still some objections to the main plan. Now, there is danger always in carrying forward so great a work, as there is danger in a small work, of dishonesty and incompetency. According to my judgment there is in the management of this work at this time, in the person of the Secretary of War, a man of as great ability and as high character as ever by any plan at any time will be put in charge of it. There may be peculation and there may be graft and dishonesty and incompetency in carrying forward the work, but I believe that in that by Government operation we have as sure guaranties of good work well done, and done with regard to decency and economy and honesty, as we could have in some other way. Suppose you invite bids? How easy a thing it is for bidders to combine. Suppose you invite contracts. How simple a proposition for the would-be contractors to be really one and the same. Why, these matters of combination to crush out competition and rob the public as well as to rob individuals is not a new thing in these United States of America. It has been practiced and perfected, and certainly the system can be transferred to the Isthmus of Panama. Just what we ought to do, just how we ought to do it, just how far we ought to go, and how far we can go, are things I do not know, and I sometimes suspect that some others do not know either. It is a great, serious undertaking. It is an enormous undertaking in its magnitude, and enormous in its probable outcome. Just what is best to be done, just how it is best to be done, I think no one of us can say; but for my part I am not ready to commit myself, out of hand, at once, to any particular plan about it. Let us correct as far as we can abuses where they exist. Let us banish from our minds, if there has lodgment

been made in our minds, wholesale suspicions and accusations. Let us find out who is at fault and correct the faults and punish the evil doers; but let us have some confidence in our countrymen. Let us have some confidence in those who conduct affairs, let us conclude that there is something of reason and something of judgment and something of capacity and something of honesty in systems which may be adopted, and not all in systems which we might suggest. It is going to take the best judgment, it is going to take the highest play of the best intellects of the people of this country, to manage well that great undertaking. Let us address ourselves to it, if we can, in such manner as to bring about the best results. Let us not prejudge too many things. Let us not take too much for granted, and let us not depart entirely from what seems to me to be a sound principle, that public work can very well be done, in a great many instances, by public agencies, under public control. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for twelve minutes.

Mr. MADDEN. Mr. Chairman, the country is committed to the expenditure of $135,000,000 on this proposition. We have engaged to construct the Panama Canal, a work which, when completed, will stand first in the history of the ages, not only as the greatest achievement of engineering skill, but also in its benefits to mankind in adding to the world's transportation facilities, placing at the service of the nations of the world an open door, available to all who care to use it, without prejudice, without discrimination, and upon equal terms. There is no question but that we will soon be able to know the character of the canal that is to be dug. The Secretary of War said but a day or two ago that he hoped to be able to report to this House what the character of the canal was to be within the next fifteen days; that in the meantime the work of actually excavating the canal was quite out of the question. The sanitary arrangements to be made on the Isthmus are of such a nature that it would be unwise for those in charge of this great project to undertake the work of excavation at this time. No one doubts but that we will complete this undertaking and that we will complete it in an honest and in an efficient manner. It is of the greatest importance to us, to the Government, that we accomplish this work honestly, economically, quickly, efficiently. We must continue to command the admiration and the respect of the American people. The proper accomplishment of the desired result is the only way in which that can be done. There is no doubt of the integrity of the men who are engaged in the management of this great enterprise. There is no smell, no rottenness, no indication of smell and no indication of rottenness anywhere in the management of this great work up to the present time. The progress we are making is being carefully watched by the people, it is true, by our own people and by the people of the whole civilized world.

We have spent thus far $71,000,000. Of this $40,000,000 were paid to the French company for the purchase of its rights and its property; $10,000,000 to the Republic of Panama, and $21,000,000 in preparatory work getting ready for the actual work of construction, and to-day we have under consideration a further appropriation of $5,340,000 with which to continue the work until the close of the present fiscal year. The expenditure of this money will, in a measure, be used for the completion of sanitary arrangements, which are essential to the health and lives of those who may be engaged later in the work of excavation. Much of that already expended has been spent in preparatory work of a sanitary nature; much more in the purchase of machinery and in the reconstruction of the Panama Railway and the construction of houses, 2,500 of which are now under way to afford needed facilities for the occupants thereof; the creation of a water supply and the construction and extension of a sewerage system, the filling of swamps, and an endless number of other important essential things which must be complete in all their details before the work of construction can begin, and in order that we may be furnished with more specific information about what this money has been expended for and is being expended for I will ask the Clerk to read from a speech, delivered by Secretary Taft on November 18, in St. Louis.

The Clerk read as follows:

The amount of timber actually ordered and needed for the repairing and construction of the houses is upward of 32,000,000 feet. The difficulty in promptly securing the shipping of this will suggest itself to those who know of the incidental delays in practical transportation, either from Oregon or the Atlantic coast to Panama. Until lately there has been much delay in persuading competent carpenters from the United States in sufficient numbers to come to the Isthmus. The towns of Panama and Colon, and the sixteen towns and villages lying between them along the line of the canal and the railroad, all must be furnished with water. Panama as a settlement is one of the oldest towns in America, and yet for about three hundred years during the dry season there has been no means of furnishing water to the Panamans except from cisterns, puddles, and receptacles for water, often covered with green scum and as productive of disease as is possible to imagine. The first thing that the first Commission did, and to them is the credit due, was to make arrangements for the construction of a water supply for Panama. Engineer Wallace and his assistants devised the plans, took a reservoir which has been partly constructed by the French some 11 miles from Panama, built the dam 20 feet higher, and ran the water pipes to Panama, and then laid the mains into Panama, so that on the 4th of July, 1905, the water cocks in the city of Panama were opened and the people were permitted to drink pure water. This reservoir furnishes water also to the towns between it and Panama on the Pacific side; but another reservoir for Culebra, another one for Empire, another one for Bas Obispo, and others for Colon are being constructed, together with water-pipe systems in all of them. Sewers are now being constructed in Panama, and about 50 per cent of them have been completed. In order to make Panama really healthful the Commission has decided it to be necessary to pave the streets, which for centuries have been dirty—muddy in rainy weather, dusty in dry weather, and full of disease in all weathers. The whole Isthmus strip from Panama to Colon when our Commission went there first was grown up with underbrush, with weeds, and with all that jungle that a tropical soil and weather unrestrained rejoice in. Now, from point to point, as the population increases, as the work is elaborated, the jungle is being cut down, the hills are being shaved, and under the tremendous work of the sanitary department pools are being drained, swamps relieved of water, and in every way the stagnant water surfaces and the propagating ground for the deadly mosquito are being reduced. When one thinks of a strip 47 miles long and half a mile wide in the center of the Tropics, with marshy swamps and water accumulating everywhere, the task of reducing the stagnant water surface so as to prevent the generation of mosquitoes seems impossible. But it must be and can be done.

The mosquito is the worst enemy in the propagation of disease in the West Indies and American Tropics that man has. One variety in the Isthmus carries the germ of the deadly yellow fever, and another variety carries the germ of malaria, while a third infects its victims with the loathsome disease of elephantiasis. Petroleum prevents the generation of mosquitoes. A yellow-fever mosquito lives only about ninety days.

The custom of the yellow-fever mosquito is not to depart far from the place of its birth. It is not ordinarily born in the open. Its fellow who carries the malaria germ is born in the stagnant pools that are found in the meadows and on the hills and in the valleys, but the yellow-fever mosquito is ordinarily to be found in the forgotten corners of the cellars and dark rooms of tropical houses, in neglected utensils, in cisterns, puddles of water within the back yards, or in the closets of the residents. While with petroleum and with drainage a large part of the surface which generates the malaria mosquito may be reduced, the yellow-fever mosquito must be attacked in houses by fumigation, either with sulphur or pyrethrum. At one time it was thought sufficient in the town of Panama when a victim of yellow fever was taken from a house to fumigate that house and the two houses next, because the habit of the mosquito indicated that it did not depart far from the place of its birth. It seems that the mosquito that acquires and communicates the yellow-fever virus is a female, and this only during her period of gestation. She dies at the end of ninety days, and it is not known that her descendants continue to carry the poison. These limitations are what prevent the spread of the disease.

When Judge Magoon arrived upon the Isthmus he found Doctor Gorgas battling manfully against the yellow fever, but the cases seemed to be increasing. Judge Magoon conceived the idea that the fumigation which had been confined to two or three houses might well be extended to all the houses in Panama, and at considerable expense, and after procuring a large amount of material, every house in Panama was fumigated once every two weeks. To secure increased vigilance and popular assistance he employed all the respectable Panaman physicians of Panama as inspectors of the districts of that city, at annual salaries of $1,200 a year. He also offered $50 reward for the discovery of any case of yellow fever not reported. By methods of this kind the native apathy, usually so great an obstacle to successful sanitation in Spanish countries, was neutralized.

The plan of fumigation is as follows: Strips of paper are placed across the windows, which ordinarily have no glass or any netting in them, and then either by the fumes of the sulphur or pyrethrum every nook and cranny of the house is visited. These gases are fatal or paralizing to the mosquito. After sufficient time has passed the house is opened, and then a corps of health employees are set to work cleaning the house and sweeping out the dead mosquitoes, which are found in great numbers upon the floors. The mosquitoes are burned to avoid further mischief. By these mehods, for which Doctor Gorgas and Governor Magoon are both to be credited with great praise, yellow fever has been reduced to a point where during the last month only three cases were reported, not one of these among canal employees, and all originating many miles from the canal line. The efforts to subdue the fever instead of being relaxed are being continued. Square miles of woven-wire netting with interstices so small as to prevent the entrance of mosquitoes are spread about the piazzas of the house of every American or foreigner who comes to live under the auspices of the Canal Commission in the Isthmus. The windows inside are also screened, and then mosquito bars on the beds are used as a third precaution.

Whenever a case of yellow fever is discovered, the patient is at once either removed to the hospital and put under a woven-wire screen or, if he prefers to remain at home, the woven-wire screen is put over him and an orderly placed in charge of him at his own residence. In this way he is prevented from furnishing a supply of the poison to the healthy mosquitoes who, in turn, by stinging, would bring it back to man. In other words, the plan is to kill all the mosquitoes, well or ill, keep them as much as possible from stinging man, and isolate every man with yellow fever, not from his fellows, but from mosquitoes. Of course there are in this district, especially in the old town of Panama and at some villages along the canal, old houses which must be burned completely to the ground because of the infection which it is impossible to destroy in them. The old buildings in Panama are persistent sources of the yellow-fever mosquito.

The Canal Commission has its offices in one of these great stucco structures, with thick walls, bad ventilation, and damp nooks and crannies. It has often been fumigated and cleansed in every way; but once in a while a new case of fever in one of the American employees is to be charged to the old building. I am glad to say that the general offices are soon to be moved to new buildings at Culebra and Emperador on the line of the canal.

Little by little, and facing discouragement after discouragement, the 2,000 employees of the sanitary department are winning in this fight against disease, upon which the whole success of the canal work depends. As Mr. Stevens said to me, when I crossed the Isthmus with him this month, "I take off my hat to the work which the sanitation

department has done in this Canal Zone." In the month of August, out of a force of 13,000 men, the percentage of illness was less than 25 per thousand. In June the cases of yellow fever were 61 and 19 deaths, in July there were 36 cases and 13 deaths, in September there were 9 cases, and in October but 3. The percentage of deaths among all is about 33, and among Americans about 20.

The work of furnishing water, of installing sewers, and of building houses is not now in the sanitation department, but is under the engineering and construction department, but as soon as the work is completed it will be turned over to the sanitation department for maintenance. Good food is now furnished by a commissary at reasonable rates. The carrying of refrigerated fruits and foods and meats on refrigerator cars from Colon across the Isthmus has just been begun. There is an ice plant at La Boca, another one at Colon, and others along the way are to be constructed, so that ice—that most healthful form of liquid in the Tropics—will be at hand for all.

A hotel has been erected at Corozal, where the American employees of the Commission may live and run in to their business in Panama in a few minutes by railway. A hotel of 128 rooms is being constructed at Ancon, which is the Pacific terminus of the terminating township of the governmental isthmian strip. The French had an excellent hospital at Ancon. They had also a rather large hospital at Colon. It was necessary, however, in view of the decay and lack of repair in which these hospitals were found, to refit them entirely. And now we have a hospital at Ancon, one at Panama, a convalescent hospital at Taboga, an island some 10 miles off the coast in Panama Bay, where very healthful water, healthful bathing, and fine fruits can be had, so that in all the hospital accommodation has been increased from about 350 to upward of 1,000 beds.

American trained nurses may be had at any point on the Isthmus, and any employee or laborer and any member of his family will be taken care of at these hospitals. In addition to this, and to protect itself, the commission has taken over the general hospital of Panama and has accepted $80,000 Mexican, a fund which had been voted by Panama for its improvement, and is now completely rebuilding it. It has also taken care of the insane and lepers of Panama, charging a certain rate per day. It exercises by right of law and by agreement complete quarantine jurisdiction over Panama, Colon, and the isthmian canal strip, and this quarantine is a division of the sanitation bureau under Governor Magoon and Colonel Gorgas.

Not only has it been found possible to accomplish much by the draining of swamps by surface drainage, or turning of stagnant pools into running water, the cutting of gutters and the flushing from reservoirs, but the attention of the chief engineer has also been directed to filling up with the spoil from excavation made in construction swamps and lowlands which now generate disease. The evidences of successful war against malaria are not so easy to produce as those of the defeat of yellow fever. One reason is that malaria is so much harder to combat than is yellow fever.

To begin with, yellow fever finds its victims only among those who are not residents of the tropical coast towns, so at least the statistics seem to show. Europeans and Americans from the Temperate Zone and Colombians coming from the hills and mountains, and other workmen from the interior—especially the highlands—are all subjects of yellow fever, but generally the blacks from Jamaica and Trinidad, from the islands of the Caribbean Sea, and the Panamans themselves, are immune. The field for attack by yellow fever, therefore, is very much limited. Not so, however, with malaria. An examination for experimental purposes, and repeated at various times under the direction of Colonel Gorgas, shows that at least 70 per cent of people picked up at random in the Isthmus have the malarial microbe. I am glad to say that since our occupation the malaria has not generally taken on the malignant form of the days of the railroad and French canal construction, but is rather mild.

The great difficulty in preventing the transmission of malaria is that, with 60 or 70 per cent of the persons infected with malaria, it is impossible to prevent malaria mosquitoes from happening upon the source of malaria supply in the blood of 60 per cent of the inhabitants of the Isthmus. The cases of yellow fever, on the other hand, are comparatively so few that isolating them is a real measure of protection to all.

Nevertheless, by the reduction in the total number of mosquitoes, which, though an enormous task, is still capable of accomplishment, the spread of malaria may be largely checked. This is a work of constant attention, and which will last long after the construction of the canal, and will be constantly the task of all those responsible for the government of the strip. Of course, the less malaria, even of the mild character, the greater the efficiency of the laborer.

In recounting what is being done, I will refer next to the work of engineering and construction. Preliminary to the work of construction proper much of the time of the engineer and his assistants has been taken up in doing that work of construction necessary for the sanitation of the Isthmus, to wit, the houses, sewering of water, the food supply, the hospitals, and places of recreation, all necessary to keep a sound mind in a sound body of each workman, whether superintendent, clerk, or common laborer.

In regard to the pure work of construction. As already said, the New French Panama Canal Company had bought the Panama Railroad for its use in the construction of the canal. When the property of the French Canal Company was transferred, the railroad was, from the standpoint of modern railroads, most inadequately equipped. It had a single track from Colon to Panama, with some sidings, very insufficient yards at the termini, and a large number of thin, light rails, quite insufficient for the heavy traffic which was carried over it. The laying of the track with heavier rails had been projected by the company before the transfer, but only a few miles had been laid. The Commission, acquiring control of the railroad company, directed the purchase of rails so as to lay completely the whole line with the heavier rails, and now all but 9 miles of the road is so equipped. The roadbed is as fine as any roadbed in the United States, ballasted in gravel and rock, and seems to be completely free from any possibility of washouts, but with this exception every other feature of the road as to structure and equipment is subject to criticism, and must be changed before it can be an adequate instrument in the hands of the Commission for the purposes for which it was bought. The gauge of the railroad is 5 feet, while the standard gauge in the United States and elsewhere is 4 feet 8½ inches, a fact which reduces much the amount of equipment which could be bought ready-made, and greatly increases the cost and time of buying that which is necessary. The telegraph system and the telephone system along the road are now being completely reconstructed. The yards and wharves at each end of the road for the purpose of receiving freight from steamers were utterly inadequate, and are now being very much enlarged at La Boca and at Cristobal, and must be repaired at Colon.

I should say that Cristobal is the Colon end of the canal, a made harbor, reached by the railroad and entirely unprotected from the north winds which, when they blow with violence, require all steamers at Colon wharves to go to sea. It is quite evident, and the Commission has so decided, that in order to transport the commercial freight which the railroad is under charter obligation to carry, and at the same time to transport to the spoil banks the excavated rock and dirt, it will be necessary to double track the road nearly all the way from Colon to Panama. The exceptions are through narrow cuts or at the top of the grade over which the spoil from the excavation will not need to be carried. The recent work of construction under Wallace and Stevens has been the work of putting this road into proper condition, of making preparation to double track, and of laying at various and suitable intervals long tracks leading from the Culebra cut at various elevations to the points of the Panama Railroad to which the spoil may be hauled downhill from the point of excavation and thence carried to Miraflores on one side or to Colon on the other, to be dumped into swamps or else to be dumped into barges and carried out to sea and there disposed of. The amount of this track laying will reach 250 or 300 miles when completed, and it is one of the chief consumers of labor in the construction department at present. The work of excavation is comparatively easy, for with compressed-air drills and blasting and the twenty-nine modern steam shovels which are now on the ground, and the sixty more which are ordered, digging might go on rapidly. With a sea-level canal at least 270,000,000 cubic yards of material will have to be blasted, dug out, and carried from a few feet to 15 miles.

The great problem, however, is the problem of transporting that which is dug to the point where it is to be finally deposited with such speed and such return of the vehicles of transportation as to enable the shovels to be in constant use. It is a problem of transportation really and not of excavation. These figures suggest the amount of preparation in the way of increasing the capacity of the railroad, of track laying, and of other mechanical devices for disposing of the spoil which must be made before the "dirt begins to fly."

In addition to this work, machine shops of the French have to be repaired and in some cases rebuilt. Wharves are being put up now in order to furnish additional berths for steamers at Cristobal on the one side and at La Boca on the other. There are to-day engaged on the railroad proper about 4,000 employees—that is, there are 2,500 paid for six days' labor, but they are not perhaps the same 2,500. In addition to this there are 13,000 laborers on the pay roll of the Commission, and that means about 10,000 effective laborers per day. As the work of construction of houses goes on, as the capacity for housing and feeding and properly attending to laborers proceeds, we may look for an increase in the pay roll.

One of the great burdens of the present situation is the procurement of transportation and proper disposition of the immense amount of supplies and material and equipment which have to be ordered and pressed forward to the Isthmus. The Commission bought two large freight steamers costing $1,300,000, or $650,000 apiece. And even with these and three others owned by the Panama Railroad which came into the possession of the Commission, there is still such an immense amount of freight that there is much difficulty in getting the orders and the requisitions of the chief engineer supplied. The following is a list of the principal items of material purchased and delivered, or now under order, and will serve to give an idea of the vastness of the undertaking and why congestion in sea transportation and on the railroad, with all the commercial traffic besides, may be pardonable: Sixty-one steam shovels, 1,300 flat cars, 12 rapid unloaders, 22 unloading plows, 13 earth spreaders, 324 dump cars, 12 hoisting engines, 120 locomotives, 5,000 tons of steel rails, 125,000 cross-ties, 12,000 pieces of piling, 14 air-compressing machines, 3 cranes, 152 rock drills, 30,000,000 feet lumber (approximately), 2 dipper dredges, 646,000 pounds blasting powder, 617,500 pounds dynamite, 7,000,000 paving brick, 3,500,000 building brick, 500,000 square feet roofing tile, 36,000 barrels cement (approximately), 3 steel water tanks and towers, 12 standpipes, 2 ocean steamships.

The Panama Railroad on its own account has also purchased during the last six months: Five hundred box cars (40-ton), 12 caboose cars, 10 refrigerator cars, 6 passenger coaches, 24 locomotives, 2 wrecking cranes, 1 locomotive crane, 1 pile driver, 3 track scales (100-ton), 1 modern coal-hoisting plant, 1 cantilever crane for coal-hoisting plant.

It should be borne in mind that all of the large equipment like locomotives, cars, steam shovels, dirt spreaders, and cranes have to be knocked down and boxed in order to have them carried by vessel to the Isthmus and there unboxed and reassembled before available for use. Still, as Mr. Stevens himself told me, everything grows better from month to month. The exasperations and frictions of early organization are passing away as matters move with more smoothness. A quarantine of Panama on the one side and of Colon on the other much delayed the delivery of material, and brought seventeen ships into La Boca at one time for unloading. These discouragements, so characteristic of the Tropics and of great works in the Tropics, at first seem insurmountable, but to an engineer having the patience needed for any enterprise in the Tropics they can be overcome, provided he applies himself to his task with constantly renewed effort. Another great work by the engineer department is the taking of borings and the finding of data upon which to proceed in the detailed construction of the canal. Parties of engineers go out and stay for months measuring capacity of natural basins, the flow of water in the tributaries of the Chagres and other rivers, and thus procure the facts upon which the chief engineer and the Commission must proceed in developing the detailed plans for the ultimate building of the canal.

During the reading of the above the following occurred:

Mr. MADDEN. Mr. Chairman, I would ask permission to incorporate that part of the speech of Secretary Taft indicated by the marks on the various pages, and ask that the further reading be discontinued to save the time of the House.

The CHAIRMAN. The gentleman will proceed. Without objection, the paragraphs as indicated will be printed. [After a pause.] No objection is heard.

Mr. MADDEN. All the work indicated in the speech of Secretary Taft has called for the attention of the best minds in the country, and it is sure to result in making the Isthmus eventually an agreeable place to live and a place to which men seeking employment will be attracted. The necessity for all

this preparatory work must be apparent to everyone. Without it no one could be induced to live on the Isthmus at all.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I will ask unanimous consent for five minutes more, Mr. Chairman.

Mr. LITTAUER. Mr. Chairman, I would like to ask unanimous consent of the House that general debate continue until 5 o'clock, one half to be in charge of the gentleman from Georgia and the other half to be under my charge.

The CHAIRMAN. The gentleman from New York asks unanimous consent that general debate continue until 5 o'clock, the time to be equally divided between the two sides, to be controlled one half by the gentleman from Georgia and the other by himself. Is there objection?

Mr. WILLIAMS. Mr. Chairman, this is a request to continue general debate?

The CHAIRMAN. Yes, sir. Is there objection?

Mr. WILLIAMS. Wait a minute, Mr. Chairman. Mr. Chairman, I object if it is necessary to speak at once. I desired a moment to have a little conference with my associates.

The CHAIRMAN. The gentleman from Mississippi objects.

Mr. WILLIAMS. Why do you want it?

Mr. LITTAUER. Because we have two or three requests for a little time; I have three requests for five or ten minutes.

Mr. WILLIAMS. There is nobody on this side who wants to talk.

The CHAIRMAN. The Clerk will read.

Mr. WILLIAMS. Gentlemen on that side can ask unanimous consent for five or ten minutes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. WILLIAMS. I shall not object to that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] None is heard.

Mr. MADDEN. The work of construction could not and can not begin until the completion of all this necessary sanitary work. It would have been impossible to make the sanitary improvements and do the other work which has been done and is yet to be done, except by the Government itself. The sanitary arrangements will soon be completed, and the work of construction must of necessity then begin. The question is under what method is this work of construction to be pursued? Shall it be under the direction of the Government officials employing labor by the day or will it be wiser to prepare plans and specifications and invite bids from the contractors of the United States, under which the work can be let in sections at a price fixed in advance, with a time limit in the contracts for a completion of the work?

It would seem to me as if there can be no doubt that the most economical and expeditious manner of carrying this work forward will be under the contract system, for it will not be denied that contractors, having the necessary capital and experience, would be much better qualified to enter upon such a task with the incentive before them of what profits might be made by strict attention to business and to the work committed to their care, surrounded, as they would be, by an efficient corps of assistants, every one of whom would bring to the task assigned him an experience which can not be procured on a monthly wage.

A remarkable work of a similar character, although on a somewhat smaller scale, has been completed by the sanitary district of Chicago, which constructed a channel 34 miles long—24 miles in rock, 160 feet wide, 36 feet deep, and 10 miles in clay of an equal width and depth—at a price not to exceed $30,000,000 as the original cost of construction, and this price included the purchase of 10,000 acres of land for the right of way, the actual work of excavation covering a period of approximately five years.

Mr. WANGER. Was the drainage canal constructed by the commission or by contract?

Mr. MADDEN. By contract. I will say to the gentleman it was carried on in an expeditious, efficient, economical, and honest manner, in line with ordinary business methods, under the direction and supervision of a board of commissioners elected by the people; and it stands to-day without a peer in public work constructed in any section of the world under public management. It never could have been constructed within the time nor at the price except under the contract system. With such a result and with such an example before us, why not profit by experience and apply the same principles to the construction of the Panama Canal, dividing the work into such sections as the engineering organization consider feasible and best to most efficiently overcome the peculiar physical conditions which exist on the Isthmus?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that my colleague have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] asks unanimous consent that his colleague have five minutes more. Is there objection?

There was no objection.

Mr. MADDEN. In this way we can secure the experience of contractors expert in every particular class of work to be accomplished, with knowledge of modern and efficient business methods, and with their ability to put the same into actual operation and to secure the very best results therefrom. It is believed that the various problems which are now present to vex and annoy us would disappear under the application of the contract method. The most important question as to the probable cost and probable time of completion would be settled in the terms of the contract. The labor question would be removed from the political arena and resolve itself into a detail difficulty which contractors with experience would be easily able to overcome. The possession of the old machinery, talked about by the gentleman from Mississippi [Mr. WILLIAMS], found on the Isthmus at the time this Government secured control of the work and the new machinery since purchased could be turned over on reasonable terms and conditions to the contractors, and gradually charged out against their accounts on a percentage basis as the work progressed, letting the profits of the work absorb the cost to the contractors.

Diligent research fails to reveal any objection to the application of the contract method, but indicates that there is every reason in favor of and none whatever against it. In fact, it seems to be the only hope for an early and aggressive campaign of construction. And believing this as firmly as I do, I introduced a bill a few days ago which has for its purpose the passage of a law providing for the construction of the canal under the contract system. And it is my earnest hope that after all the sanitary arrangements are completed on the Isthmus, and it could not be done before they are completed, that the President and those under him in charge of this great project will be able to see the advantage to be gained by this method of conducting the work. And I am glad to be able to say here and now, that only a day or two ago, at Cincinnati, in a speech made there before one of the public bodies of that city, Mr. Shonts, president of the Isthmian Canal Commission, said it was the fixed policy of this Administration to construct the canal by contract, and that just as soon as the sanitary arrangements were completed and they were able to determine the character of the canal and prepare the necessary plans and specifications, they would invite bids, and that if these bids were in keeping with the best judgment of experienced men on what the work should cost, that every particle of the work from thence onward should be let and conducted under the contract system. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MADDEN. Just a moment.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman may conclude his remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. GROSVENOR. I object, Mr. Chairman.

The CHAIRMAN. Objection is made.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed one minute.

The CHAIRMAN. Is there objection to the gentleman proceeding one minute? None is heard.

Mr. MADDEN. Now, if American workmen could be used in the construction of this canal I would be opposed to the repeal of the eight-hour law as applied to the Isthmus, for I sincerely believe that eight hours is all an American should work there or anywhere else. If the contract system is finally adopted the work will be carried on every hour of the twenty-four. The investment in machinery in such a project as this must of necessity be enormous, and to leave it idle would be to employ the capital invested but part of the time, and this no contractor would do. If, on the contrary, the Government should continue to do the work by the day the officials are no less obligated to work this machinery continuously. There can be no justification for the pursuit of any other course, and surely no other course will be tolerated by the American people. [Loud applause.]

The CHAIRMAN. Debate is closed, and the Clerk will read.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. Mr. Chairman, I do not rise to enter into any extended argument about the method to be adopted in the construction of this canal, but principally to correct certain misapprehensions which may arise from some things that have been said in this debate. It has been said that the chief mistake has been that work has been done without any plan for the kind of canal to be constructed. There is a general plan for the construction of this canal recommended by the Commission appointed under the river and harbor act of March 3, 1899. That commission was composed of very able men. In addition to two civilians and a naval officer, it included George S. Morrison, now deceased, who was one of the leading engineers of the country; Colonel Ernst, one of the most experienced and able officers in the Corps of Engineers, War Department; Prof. Lewis M. Haupt, an engineer who has given much attention to the improvement of waterways; Mr. Albert Noble, whose name has already been mentioned and who has planned and directed a great variety of difficult and extensive engineering projects; Col. Peter C. Hains, an engineer of the United States Army familiar with extensive river and harbor works, and Mr. Willard H. Burr, professor of engineering in Columbia College.

Three plans have been proposed; one a sea-level canal, another a lock canal with one or more levels, the third a plan by which breakwaters or dams should be constructed in the bays at both ends of the canal, with the intention of inclosing and raising the water so it might flood a portion of the intervening country on the Isthmus and do away in part with the necessity of excavation. The Commission made a report in November, 1901, recommending a lock canal, with an upper level, the bottom of which should be 85 feet above the level of the sea. They recommended a canal which would be 30 feet deep, and then prescribed the width and the curves and their location. The amount of excavation required was computed, and the expense of the different portions was minutely estimated. The estimated cost for building the canal was $144,000,000. So there is a distinct project before Congress, which, it is reasonable to suppose, was in contemplation when the Spooner Act was passed, in 1902, though not in terms adopted, and, of course, subject to changes in the details of construction. In that act mention is made of the capacity and depth of the canal and construction of the necessary locks. It may be that under the pressure of a demand for the early completion of the enterprise, there has been too much haste, and steps have been taken before sufficient preparations have been made. If there is one thing which it seems to me that the committee and the House should scrutinize very carefully it is these purchases of machinery and equipment to be used in the construction of the canal. It is hardly probable that such large purchases would have been made except upon the theory that it was the intention of the Government to proceed with the work directly, without the intervention of contractors. The act of 1902 seems to contemplate the construction of a considerable share of the work by contract, for the President is authorized——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. In section 5 of that act it said:

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, completion, and defense of said canal, harbors, etc.

It would seem that we ought to give careful consideration to the purchases of implements and appliances for doing the work until the question of how the work shall be done is decided. It is evident that the work may be divided. Part of it is rock excavation, part consists of the construction of locks, part of excavation of earth or dredging merely, all of which might very properly be divided. Also, the Government might proceed with a distinct section of the work by the direct employment of labor.

Mr. TAWNEY. Do I understand the gentleman to say that this ought to be decided before we proceed with the appropriation of the amount carried in this bill?

Mr. BURTON of Ohio. I say we should scrutinize these expenditures very carefully until then.

Mr. TAWNEY. I wish to say that the committee scrutinized the matter carefully. We inquired of the Commission and the Secretary of War along that line, and we were informed that it mattered not what the future plan might be, the expenditure for which this appropriation is necessary would have to be made whether a lock canal or a sea-level canal is constructed. This is preparatory work and must be done before going on with the building of either a sea-level or lock canal.

Mr. WANGER. Whether by contract or day labor.

Mr. TAWNEY. Yes; whether by contract or day labor.

Mr. WILLIAMS. In view of what the gentleman from Minnesota has just said, if the gentleman will yield to me, what is the meaning of this language:

For new equipment purchases.

What is the character of that new equipment? Is it not equipment that would excavate?

Mr. LITTAUER. It is already contracted for.

Mr. WILLIAMS. I do not care whether it is contracted for or not.

Mr. TAWNEY. "Estimated appropriation, new equipment purchases, payable April 1, 1905, to June 30, 1906, inclusive"—is that the item the gentleman refers to?

Mr. WILLIAMS. What I refer to is the language:

For new equipment purchases, $1,565,768.

Mr. TAWNEY. That refers to 1,000 flat cars, 120 locomotives, 43 steam shovels, 18 unloading machines, plows, 3 water tanks and towers, 2 dipper dredges——

Mr. WILLIAMS. Part of it is for dredges?

Mr. TAWNEY. Part of it is for dredges. They have a fresh-water swamp there at Colon.

Mr. WILLIAMS. What is the Government to do with these dredges if it gives the work out by contract?

Mr. TAWNEY. They will have to use dredges at Colon and Panama, no matter whether they give the work out by contract or do it by day labor. They will have to continue to use dredges for a great many years to come, as they have been using dredges, and that is the only way they can keep the channel clear and utilize the harbor.

Mr. WILLIAMS. One other question before the gentleman sits down. I see part of it is for locomotives. Why should that have been put here under new equipment for the canal? Why should it not have been called new equipment for the railroad, and let it stand upon its own merits?

Mr. TAWNEY. I will say to the gentleman that the Panama Canal Commission is double tracking the railroad——

Mr. WILLIAMS. I did not ask the gentleman that.

Mr. TAWNEY. For the purpose of operating the road in connection with the conveying of the material that is excavated, when the excavation commences.

Mr. WILLIAMS. Why did not this bill say "for new equipment for the Panama Railroad?"

Mr. TAWNEY. Because it does not belong to the Panama Railroad—is not intended for the Panama Railroad. It belongs to the Government.

Mr. WILLIAMS. Do you mean to say that the locomotives do not belong to the Panama Railroad?

Mr. TAWNEY. I do; not the locomotives mentioned in that particular item.

Mr. LITTLEFIELD. And they are not intended to belong to the Panama Railroad?

Mr. TAWNEY. They are not intended to belong to the Panama Railroad. They belong to the Government and are to be operated under the jurisdiction of the Commission.

Mr. WILLIAMS. So does the railroad.

Mr. TAWNEY. Mr. Chairman, I am proceeding in the time of the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. I ask unanimous consent that my time may be extended five minutes.

Mr. GROSVENOR. I have been asking and have been promised time enough at some time during the afternoon to make a two-minute speech. That promise was made to me sometime ago, and I have been sitting here waiting.

Mr. BURTON of Ohio. If my time is extended, I will yield two minutes to my colleague now.

The CHAIRMAN. Is there objection to the time of the gentleman from Ohio being extended to 5 o'clock? The Chair hears no objection. Does the gentleman from Ohio now yield to his colleague from Ohio, General GROSVENOR?

Mr. BURTON of Ohio. I do.

Mr. GROSVENOR. Mr. Chairman, I want to say that I was greatly interested in the speech of the gentleman from Mississippi [Mr. WILLIAMS], especially that part of it which discusses and insists upon the propriety of letting the work by contract. There was something in his remarks that was suggestive of something which I had read very recently, and I find that the entire subject has been gone over very carefully and intelligently by Mr. Shonts on last Saturday evening before the Commercial Club in Cincinnati, in which is used the precise language used by the gentleman from Mississippi, if not the language at least the idea, favoring the letting of the work by

contract, the ascertainment in the first place of the character of the work, and the whole line of argument of the gentleman from Mississippi. So I say that we ought to congratulate ourselves that the Democratic side of this House, through its spokesman, the Commission through the head of it, and the Republican side of the House through the chairman of the subcommittee in charge of this bill, all agree upon the great topics we have been discussing here this afternoon.

Now, Mr. Chairman, I will print as a part of my remarks the speech of Mr. Shonts reported in the Cincinnati Enquirer of Sunday, January 21, as follows:

CONDITIONS AT PANAMA, AS DEFENDED BY PRESIDENT SHONTS, OF THE CANAL COMMISSION.

MR. PRESIDENT AND GENTLEMEN OF THE COMMERCIAL CLUB: It is a pleasure to speak of the Panama Canal in the home of Secretary Taft, and to an assemblage of his neighbors and friends. He is a son of Cincinnati and of Ohio in whom the whole country takes pride, for his services on the bench, in the Philippines, and in the Government at Washington have brought honor, not only to his native city and State, but to the American name before the world. I consider it a high privilege to be associated with him under the direction of President Roosevelt in the conduct of the most stupendous enterprise to which this nation has ever put its hand. He brings to this task the broad intellectual grasp, the calm, clear judgment, the complete patriotic devotion and the inflexible, uncompromising, and outspoken honesty that are the distinguishing traits of his public carrer. The value to the country of the services of such a man in its Government can not be overestimated. When the canal shall have been completed—as completed it surely will be—no small share of the credit for the great achievement will be due to his wise counsel, inspiriting cooperation, and unflagging faith in the ability of the American people to solve any problem with which they are confronted.

I am here to-night to talk, as I have said, not of an experiment, but of an assured success. We are not merely going to build the Panama Canal; we are building it. Preparation is a part, and a most important part, of the work of construction. When that shall have been fully and thoroughly accomplished, a great step forward will have been taken. You can not erect a house until you have laid the foundation. You can not run a railway until you have laid the tracks. You can not build a chimney by placing the top bricks first. These are trite truisms, but there seem to be people in this country to whom they are novelties. We are approaching the end of the preliminary work. We have made the Isthmus a healthful place in which to work. We are getting the line of the canal into a condition which will enable us to operate an excavating plant to the best advantage, and we are assembling the plant with which the work is to be done. When you bear in mind that we have been engaged in this preparatory task barely six months, that we have been compelled to carry it forward in a tropical country—mainly a wilderness, not accessible by railway, but 2,000 miles at sea and 2,000 miles from the base of supply—and that most of the material entering into the work had to be manufactured to order before it could be shipped to the scene of action, I think you will admit that the amount of time consumed has not been unreasonable.

THE PREPARATORY WORK.

I shall not burden you with details of the preparatory work. These were set forth by me in a speech before the American Hardware Manufacturers' Association a few weeks ago, and are to be found in the recent report of the Commission to Congress. Briefly summed up, they have resulted, first, in converting the Isthmus from a hotbed of disease into as healthful a place for work of the kind in hand as could be found in any tropical country. With reasonable care a man can go there to live now with no more serious menace to his health than he would encounter in frontier work in our own country. Second, the workers of all grades are provided with suitable and sanitary quarters, wholesome food in abundance and at reasonable prices, and pure water; third, an antiquated, inadequate, and poorly manned railway system has been improved and reorganized on modern lines and provided with up-to-date equipment of locomotives and cars; fourth, new wharves, equipped with modern mechanical appliances, commodious terminal yards at both ends of the railway, extensive warehouses, suitable machine shops, and a modern coal-hoisting plant are rapidly approaching completion; fifth, more than $9,000,000 has been expended in the purchase of supplies and material, largely for an operating plant in the actual work of excavation, and the bulk of this investment is already on the Isthmus.

This vast quantity of supplies has been purchased almost exclusively in the United States. In accordance with our policy of buying in the cheapest markets, we have bought chiefly in the United States, because its markets, in the main, are the cheapest in the world for the products that we need in this work. The American laborer is the highest priced in the world, but we can buy the results of his work more cheaply here than abroad because of his superior skill and because of the intelligent interest which he, as an American citizen, takes in his work. In other words, he puts more brains into the product of his hands, because he is a citizen of a free country and his mind has been enlarged and his ambition stimulated by active participation in the duties of citizenship.

While buying our supplies in the United States we have seen to it that the entire country should be admitted on equal terms to the competition for furnishing them. Our theory is that since the American people are to defray the cost of building the canal the whole American people should be treated alike in the opportunity to derive legitimate industrial and commercial profit from the outlay for construction. One of the first acts of the present Commission after taking office was the adoption of a policy designed to place all manufacturers and producers in all parts of the country on equal terms in regard to shipment of goods to the Isthmus. The chief features of this policy were:

FEATURES OF ITS POLICY.

1. We threw open all terminal facilities on the Isthmus to all steamship lines on equal terms. Prior to this time the Panama Railroad, being a private and not a Government corporation, had endeavored to force the shipment of all canal supplies by way of New York. The management of the railroad required that steamship lines from Gulf ports should charge the same rates from their ports to Colon as were charged by the railroad's steamship line from New York to Colon, under penalty of being deprived of the railroad's dock facilities at its terminals. The result of this was to give great advantage to the port having the shortest rail line from point of production. As New York was much nearer the centers of production than Gulf or Pacific coast ports, it secured the bulk of the business. When the Government assumed control, by purchase, of the Panama Railroad, one of the Commission's first acts was to notify all steamship lines that they could have the use of the railroad's terminal facilities on the Isthmus on the same terms as the steamships of the railroad company, without regard to any rates they might make from their ports of departure.

2. We required all bids for supplies to be made c. i. f. the Isthmus—that is, all bids to include cost of delivery on the Isthmus.

3. In order to prevent any charge of discrimination in rates as between New York and the Gulf and Pacific coast ports we separated the Panama Railroad Steamship Line from the Panama Railroad and threw open the use of that steamship line to all railway connections at New York on agreed percentage divisions. We gave our direct rail connections at New York, as well as all others, the privilege to make rates from all producing territory clear through to Colon. Under this policy the manufacturer situated on the line of a railroad leading to New York has no advantage whatever over the one situated on lines of railway running to Gulf ports. Each can arrange for his own rates straight through to Colon. We went a step farther and adopted the policy of charging the Government on the Commission's shipments from New York exactly the same rates that are paid by any other shippers from that port locally. Our object in these various acts was to protect the United States Government from any charge of favoritism to any section of the country or to any port.

If we had made low rates from New York on our own materials it would have been charged that these were less than private capital could afford to grant, and that therefore the Government should install similar service from the South Atlantic and Gulf ports. We should also have been charged with rebating to ourselves as against other shippers, thus violating the law. What we did was to put the Government on a parity with every other shipper, and all sections of the country on exactly the same footing. If by reason of these policies competition among the railways in different sections of the country shall result in rates below a profitable basis the Government will be the gainer, because it will get the benefit of a reduced cost in the price of its material delivered on the Isthmus. In no case can the Government be a party to any kind of discrimination.

CINCINNATI FAVORED.

You, gentlemen, being situated about equally distant from the Gulf and the seaport, are especially favored under this policy. You will get the benefit of the competition of the railways leading through both gateways, and should be able to secure very reasonable rates of transportation on any goods you may produce and desire to sell which enter the construction of the canal.

I come now to a branch of this subject to which I have referred in my address before the Manufacturers' Association, and also in the Commission's report to Congress, and I bring it up again because there is nothing connected with the construction of the canal that surpasses it in importance in its bearing on results. I refer to the labor question.

The character of labor employed on the Isthmus has more to do with the time it will take to build the canal—more to do with the cost of construction—than any other determining factor.

There is no insuperable difficulty in the way of the construction of the canal from an engineering point of view, and with any ordinary class of labor. The serious problem is to get what will be considered in this country anything like an ordinary class of labor. In examining this question we have studied and discussed the merits of labor of nearly all nationalities available for the purpose. The chief difficulty with which we have to contend in the employment of oriental labor lies in the laws which hedge about its use. In order to comply with the letter and spirit of these laws, the best that we can do is to let out the work by contract, advertise and secure the lowest bidder, who will be nothing more or less than an agent. He will secure the labor, deposit the money required by the government of the country from which the laborer comes for the sustenance necessary to the support of his family while he is away, and advance the money for the necessary transportation. All this is to be included in the cost of the labor delivered on the Isthmus, in addition to the agent's remuneration, making it very high priced. The Government must protect itself against the charge of forcing involuntary servitude, and hence it can adopt no safeguards which will prevent the labor from leaving the Isthmus the day after arrival, thus losing the money necessary to get it there, with no return whatever. The result of this is practically to make oriental labor prohibitive in the construction of the canal.

Experiment with Italian laborers, while not made on a large scale, has not been satisfactory, for the reason that they do not seem possessed of great vitality, and succumb quickly to tropical fevers.

The West Indian negro that we are using has but little life and ambition in him. We are practically trying to wield an inert mass, with the result that we are not getting over 25 per cent, or, from a most liberal point of view, 33⅓ per cent, of the efficiency of the most ordinary labor in the United States. We are now arranging to experiment with 1,000 laborers from the north of Spain. This class of labor was used to great advantage by Sir William Van Horn in the construction of his 350 miles of railroad in Cuba. While not tall, they are of muscular build, docile in temperament, and willing and industrious workers, with enough ambition to want to become subforemen and foremen in their work. In other words, besides being laborers they have a spark of ambition which makes it possible to develop them into something better than brute force. These men have the further advantage of being white, and of speaking the language which most of our foremen either know or rapidly acquire after reaching the Isthmus.

QUESTION AS TO LABOR.

So far as the labor in the United States is concerned, we might as well recognize the facts. The best quality of this labor is regularly employed, because of the great industrial activity here. This confines our selection to those employed only as extra men and those seeking employment, who, of course, will not grade as high as those regularly employed. In order to get these men in some branches of trade it is necessary to pay larger wages than are paid in this country, for they would rather have extra work, with a chance of regular employment here, than leave their own country.

Before closing my remarks in regard to the importance of labor in this enterprise I wish to repeat and emphasize the opinion I have expressed on former occasions in regard to the application of the eight-hour law. The present wage varies from 80 cents to $1.04 per day in gold. As compared with the best common labor in the United States, its efficiency is rated at from 25 to 33 per cent. Over 80 per cent of the employees of the canal are now, and will continue to be, alien laborers. A majority of the other 20 per cent employed will be in a clerical, a supervisory, or in some other capacity to which the various labor laws of the United States are not applicable. It is to this kind of labor we

are compelled to apply the eight-hour law—that is, to aliens who know nothing of the law's existence until they arrive on the Isthmus.

Such application will increase the labor cost of canal construction at least 25 per cent. You can readily see why this will be the case. We pay our laborers by the hour. If we can employ them for only eight hours a day, we can give them work for only forty-eight hours a week. If we can employ them ten hours a day, we can give them sixty hours a week. They will accept a smaller hourly wage for sixty hours a week than they will for forty-eight hours. As a matter of fact, the skilled laborers prefer a ten-hour day, and many of them have asked for it, desiring to get the extra two hour's pay. When they work overtime on the eight-hour plan, they expect to get time and a half.

It is obvious that by forcing the eight-hour day upon us millions of dollars will be added to the cost of construction. American labor in this country will have to pay its share in the consequent increase of taxation, and for no appreciable benefit, for, as I have shown you, there are only very few American laborers on the Isthmus. There is no question of American labor involved in Isthmus work, and I repeat what the Commission has urged in its annual report, that it is a mistake to handicap the construction of the Panama Canal with any laws save those of police and sanitation, and that labor on the Isthmus should be excluded from the application of the eight-hour law, the contract-labor law, the Chinese-exclusion act, and any other law passed or to be passed by Congress for the benefit of American labor at home.

WAITING ON DECISION.

As I said at the beginning of these remarks, our preparatory work is nearing completion. It has, in fact, advanced as far as we can carry it safely until we know definitely the type of canal we are to construct, whether it is to be sea level or high level. It is of the utmost importance, therefore, that decision as to this type be reached at the earliest possible moment. I had hoped when I accepted your invitation that before the time to address you should arrive the advisory board would have made its report, and I should be at liberty to speak freely about it and to discuss both the details of the plan decided upon and the methods to be employed in its execution. The members of the board consumed much more time in their deliberation than they had anticipated, and as the two reports which they have decided to make are not yet before the Commission, it would be obviously improper for me to enter upon the subject now.

I am glad to say, however, that whatever may be the type decided upon, it will take us but a short time to complete the arrangements for beginning at once to carry its details into execution on a comprehensive scale. We shall divide the work into sections and prepare specifications asking for bids for contracts for such portions of the work as we think can be done advantageously in that way. We are strongly in favor of doing the work by contract if the type of canal and the prices bid will permit. One of the chief benefits we have derived from the preparatory work is the accumulation of knowledge as to the nature of material to be handled and the cost of handling it, which will enable us to judge whether or not such bids as we may receive will make it desirable to have the work done by contract.

Gentlemen, we are treating this task as a great business enterprise and are seeking to accomplish it by the application of strict business methods, paying no heed to politics or political 'pulls.' Our sole aim and purpose is to give the American people the full worth of every dollar they put into the work and to hand over the work completed to them at the earliest possible day. So long as we continue in control of the job it will be managed on these principles and on these alone. When it becomes apparent that we will not be permitted to build the canal in that way we will step aside and let somebody else take it in hand. In a recent message to Congress President Roosevelt, who is the supreme director of the work, every step of which has been taken with his personal knowledge and with his approval, said:

"All our citizens have a right to congratulate themselves upon the high standard of efficiency and integrity which has been hitherto maintained by the representatives of the Government in doing this great work. If this high standard of efficiency and integrity can be maintained in the future at the same level which it has now reached, the construction of the Panama Canal will be one of the features to which the people of this Republic will look back with the highest pride."

The members of the Commission and those associated with them in the task ask no higher approval than that, neither do they think that any other is necessary to carry conviction to the minds of the American people. In the same message the President also said:

STORIES ABOUT CONDITIONS.

"From time to time various publications have been made, and from time to time in the future various similar publications doubtless will be made, purporting to give an account of jobbery or immorality or inefficiency or misery as obtaining on the Isthmus. I have carefully examined into each of these accusations which seemed worthy of attention. In every instance the accusations have proved to be without foundation in any shape or form. They spring from several sources. Sometimes they take the shape of statements by irresponsible investigators of a sensational habit of mind, incapable of observing or repeating with accuracy what they see, and desirous of obtaining notoriety by widespread slander. More often they originate with or are given currency by individuals with a personal grievance. The sensation mongers, both those who stay at home and those who visit the Isthmus, may ground their accusations on false statements by some engineer, who, having applied for service on the Commission and been refused such service, now endeavors to discredit his successful competitors, or by some lessee or owner of real estate who has sought action, or inaction, by the Commission to increase the value of his lots and is bitter because the Commission can not be used for such purposes, or on the tales of disappointed bidders for contracts, or of officeholders who have proved incompetent or who have been suspected of corruption and dismissed or who have been overcome by panic and have fled from the Isthmus.

"Every specific charge relating to jobbery, to immorality, or to inefficiency, from whatever source it has come, has been immediately investigated, and in no single instance have the statements of these sensation mongers and the interested complainants behind them proved true. The only discredit inhering in these false accusations is to those who originate and give them currency, and who, to the extent of their abilities, thereby hamper and obstruct the completion of the great work in which both the honor and the interest of America are so deeply involved. It matters not whether those guilty of these false accusations utter them in mere wanton recklessness or folly or in spirit of sinister malice to gratify some personal or political grudge."

BIGELOW'S CHARGES.

Thus speaks the President.

A notable specimen of this scandal-mongering literature was laid before the country a few days ago from the pen of a man who had spent twenty-eight hours and ten minutes on the Isthmus. The ten minutes are important, for a person of such extraordinary powers of observation and production can collect an enormous amount of material in that time. He landed at Colon on November 30 at 10 a. m. and sailed away on the same steamer from Colon at 2.10 p m. on December 1. In those twenty-eight hours and ten minutes he accumulated a fund of exact knowledge sufficient to enable him to draw a general and sweeping indictment of the President, Secretary Taft, the Canal Commission, Governor Magoon, Chief Engineer Stevens, Colonel Gorgas, and everything that has been done on the Isthmus since the American Government came into possession of the Canal Zone.

He has been not merely answered, but annihilated by Secretary Taft, and I shall waste no time with him. One point only will I mention as an illustration of his miraculous powers of observation. He said that during a recent rain the volume of water was so great in the sewers of Panama that it "backed the sewage up into cellars and ruined many houses." There is not a cellar in Panama and never has been.

A few days after this masterpiece of mendacity appeared in print I took up the Washington Post, a newspaper which is not open to the charge of extreme partisan support of the Canal Commission, and read therein the following interesting statement:

"Mr. John N. Popham, a former Virginian, who has many friends in Washington, was seen yesterday at the Shoreham. For the past sixteen years Mr. Popham has been engaged in railway building and mining manganese on the Isthmus of Panama and in Costa Rica. He was for five years special agent of the United States Treasury on the Isthmus, and no man is better qualified to speak of the conditions existing in that country. In conversation with a Post reporter Mr. Popham said:

"'Prior to last May the conditions on the Isthmus may have been open to just and intelligent criticism, caused by the delay in improving the physical condition of the Panama Railroad, purchase of necessary rolling stock, and improving the terminal facilities. But those conditions are forgotten history. The fair-minded residents of the Isthmus appreciate the magnificent efforts and splendid results accomplished since that time.

"'The statement made by Mr. Poultney Bigelow is so far from being fair, the views so distorted, and the inference so frail, that it is only laughed at on the Isthmus, and it was so fully covered at home by that part of the President's communication to Congress the 8th instant under the heading of "Scandal mongers," that there is but little left for a self-respecting American resident of the Isthmus to add. The people of Panama are intelligent, capable people. They appreciate the results accomplished; they have been and are anxious and willing to continue to help our people in the great enterprise that means so much to the whole world.

HIS OWN TESTIMONY.

"'After sixteen years' experience on and in the vicinity of the Isthmus and knowing, as I do, the homes of the West India laborers in the great banana-producing district near Colon, Bocas del Toro, and Port Limon, and having for many years employed from 400 to 700 Jamaicans daily at our mines 35 miles from Colon, I feel competent to judge and to tell you that the West India laborer has never known and in his most pleasant dreams has never hoped for the splendid care and liberal treatment he is receiving from our Government on the Isthmus of Panama.

"'My knowledge of the affairs of the canal company only enables me to speak of conditions in the Isthmus and the work in progress there. But in every department of the canal work during the past seven months on the Isthmus the people of this country can rest assured that the investigation to be made by the Senate committee will confirm the following lines found in the President's communication to Congress: "The work on the Isthmus is being admirably done, and great progress has been made."'"

That, gentlemen, is the testimony, voluntarily offered, of a man who can truthfully be called an expert. He has not merely made a twenty-eight-hour visit to the Isthmus, but has lived there or in its vicinity for sixteen years. He is a man of unquestioned character, who has represented his Government honorably there as its financial agent and who has had practical experience in railway building and mining. The testimony of such a man should be final against the inventions and slanders, not only for one, but of any number of scandal mongers.

Speaking for the members of the Commission as well as for myself, I wish to say with all possible emphasis that we not only invite investigation of our acts, but ask for it as a right. If we are doing our work honestly and efficiently, our hands should be upheld; if it is shown that we are doing it inefficiently, we should be removed, and if we are doing it dishonestly, we should be exposed, convicted, and sent to prison. Neither knaves nor incompetents should be permitted to have charge of a task of such magnitude. But while we court the fullest investigation, we earnestly ask that it be made by persons of character and standing, either in public or private life, whose recognized intelligence and fairmindedness are such as to command public confidence, and that it be made upon the ground.

We ask, further, that the investigation be made promptly and ended as soon as it can be and have its work done thoroughly. This is absolutely necessary if we are to maintain any degree of efficiency in the organization. The feeling of uncertainty and unrest which constant agitation about the Commission and its work creates is destructive of that interest in the work which is essential if the best results are to be secured. It is impossible to retain good men in the service under such conditions.

FAIR-PLAY PROTESTS.

We protest, in the name of American fair play, against the dissemination in the United States of libels and slanders upon the efficiency and character of faithful workers on the Isthmus who, by reason of their absence from their own country, can not defend themselves from such assaults. Many of them went to the Isthmus before it was made a healthful place in which to work, and in doing so faced death from disease as the soldier faces it from the bullet on the field of battle. They saw many of their comrades die from disease, but they themselves either escaped it entirely or recovered from its attack. A more loyal, faithful, efficient body of men than these servants of the United States on the Isthmus is not to be found anywhere on earth. Their devotion to the interests of their country entitles them to the gratitude of their fellow-citizens and should protect them from the cowardly attacks of that most despicable of all assailants, the man who stabs in the back.

Gentlemen, I believe in the canal; believe that it can be built in a reasonable time, and believe that when, through American generosity and under American control, it shall be thrown open to the commerce of the world, it will be hailed, and will prove to be, a priceless boon to all

mankind. It will justify the faith of the American people in its wisdom and world-wide beneficence, and will justify also the expenditure of millions of American money for its construction. When it shall be opened for traffic the position of this nation in relation to the trade and commerce of the world will be a most favorable one.

We shall have a virtually continuous coast line from the northeastern extremity of Maine to the western extremity of Alaska, open alike to the ships of the Atlantic and the Pacific, and giving to both the opportunity to trade directly with each other. San Francisco will be within fourteen days of New York by steamers making 16 knots an hour, instead of sixty days, and within twenty-one days of any English port instead of thirty-five.

The west coast of South America will be 3,000 miles nearer to our ports than to those of Europe, opening to our products an entirely new field of commerce which has in it great possibilities. These are the broad, general facts in the case, and I need not explain to you that they have in them opportunities that are of incalculable value. They open to the United States new markets for its products, new opportunities for enlargement of foreign trade, which our rapidly growing production is demanding year by year.

WHOLE NATION TO SHARE.

In this enlargement of industrial and commercial activity the whole nation will share. All railway lines, including the transcontinental, will be benefited by the increased traffic which will surely follow. New steamship lines will be opened to accommodate the new trade between the two Americas, and the expanded trade with Australia and the Orient. The world's traffic will be changed to new currents, and in the change all the nations of the earth will profit.

The population of the world one hundred years ago was estimated at 800,000,000; to-day it is estimated at 1,600,000,000. In other words, the growth of the world's population during the past century has been equal to its accumulated growth during the previous ten thousand years. If this ratio of increase shall be continuous, the new population of the globe will find its home, not in the densely populated districts of Europe, but in the sparsely settled countries of North and South America. The development of these countries and of their trade with the Orient, as well as with Europe, will all pay tribute to the Panama Canal, for it will be in the heart of this new growth and the pathway of its commerce.

But great and world wide as will be the material benefits of the canal, the moral and political effects will be no less remarkable and no less salutary. In the United States the inevitable effect will be to develop a stronger and deeper sentiment of national unity than this country has ever known. New and larger trade relations will join the Atlantic seaboard and the Pacific coast more closely than even the transcontinental railways have accomplished, and will tend to unify in interest and sentiment all the Americas.

With the canal open there will be no Atlantic and no Pacific fleet, either in the Navy or in the merchant marine, but an American fleet. As an object lesson in the need of an isthmian waterway, the trip of the *Oregon* in the spring of 1898 from San Francisco to the coast of Florida was the most convincing argument ever adduced. With her powerful machinery working to its utmost limit and everything in her favor, including a commander of the first rank, sixty-eight days were consumed in the voyage. With the canal open she could have made the trip in ten or twelve days and without need of special haste. Instead of two navies we shall have a double navy ready for all emergencies. The ability to assemble our war ships quickly will act as a powerful influence in the direction of peace, for it will operate constantly as a preventive of war. The high position as a world power to which this nation, under the guidance of McKinley and Roosevelt and Hay, has advanced during the past few years will thus be strengthened and enlarged, and American influence upon the civilization of the world and upon the welfare of the human race will be immeasurably extended.

Mr. WILLIAMS. Before the gentleman from Ohio sits down I want him to yield for a suggestion.

Mr. GROSVENOR. I will.

Mr. WILLIAMS. I want to say that I have not seen any speech of Mr. Shonts, and if he has, as I am informed, a practical good business sense, I feel like I ought to congratulate myself that my mind, unaided and unassisted by his, has arrived at a similar conclusion.

Mr. GROSVENOR. And his, unaided by the gentleman from Mississippi, has arrived at the same conclusion. [Laughter.]

Mr. BURTON of Ohio. Mr. Chairman, without intending to criticise the Committee on Appropriations or the executive department, it does appear to me that the purchase of dredges and other things of like nature should be carefully examined, because such large purchases can not readily be explained on any theory except that it was the intention that the Government itself should do the whole or a very large share of the work. When this subject was brought up last month, the gentleman from Illinois [Mr. MANN], who is very familiar with the situation, said it was expected in case contracts should be let that it would be made a condition that this machinery purchased by the Government should be used by the contractors. The contractors may not desire to use it, and if they are compelled to do so they may charge the Government a much higher price for their work. At the same time I deprecate much of the criticism that has been visited on the executive officers of the Government for their action. If anyone will read this statute of 1902, he will discover that the authority given to the President is broad and exceptional in its nature. It is indeed a command that he proceed to excavate the canal if the rights of the French company are acquired and the necessary land obtained from the Colombian Government. He would not have been obeying the act of Congress unless he had prosecuted the enterprise with all possible diligence. He had an impatient public behind him demanding that something be done; the public was so impatient that perhaps substantive parts of the work, essential portions in the way of construction, were commenced before the proper preliminary steps had been taken or proper sanitation secured on the Isthmus.

While it is not best to leave the broad general authority to the executive department to go on with the work without resort to Congress for appropriations in the usual way, yet if any mistake were made, if there were too great authority given to the President, it was our act, and the responsibility lies at our door. We do not always realize the colossal magnitude of this work. It is the greatest engineering project ever undertaken. It is a new kind of undertaking for the United States. It is in a foreign land and in a tropical climate.

I can only repeat in regard to the obstacles in the way and the disposition we should maintain, Mr. Chairman, something I said in this House four years ago this month:

In the construction it is probable that there will be difficulties not anticipated, and at times that element which is fickle and sways from one side to the other, an element that is now shouting the loudest for a canal, will say that it would have been better if we had never undertaken it. But the unanswerable argument for this project is that the developments of this commercial era demand a waterway between the two great oceans.

It is the next great step in the commercial growth of this country, and if we enter upon it we must do so with no thought of turning back. It is desirable that we should go at it wisely, deliberately, and select the best route, and, when this has been done and the way has been cleared, go ahead with that vigor and pluck which characterizes the American citizen in peace or in war. In the march of progress the dreams of one century are the realities of the next. For four hundred years a canal has been under consideration. It has been attempted by Spaniards and by Frenchmen. It has engaged the attention of men of many other nationalities. Now, let this country, with its unlimited resources, with its great energy, with its ambition for the future, like a giant, take hold of this enterprise and push it to a successful completion.

And in pushing it to a successful completion it will be desirable to give a great deal of latitude to those who have charge of the work. Whether it should be directed by a commission or should be under the general charge of one man is a question perhaps worthy of discussion. While there should be intelligent review of the methods adopted and the most careful examination of all expenditures, if we are to prosecute this work successfully and finish it within the time within which it ought to be finished, it will be necessary for us to appropriate money whenever it is needed and not to indulge in any spirit of carping or of undue criticism. [Applause.]

Mr. HEPBURN. Mr. Chairman, the rereading of a speech delivered four years ago by the gentleman who has just taken his seat suggests to my mind that the gentleman himself to some extent was endowed with the spirit of prophecy when he spoke four years ago of that vacillating spirit of change here and there with regard to this great enterprise. I see that the gentleman from Mississippi [Mr. WILLIAMS] has been disturbed by that spirit of vacillation which the gentleman prophesied might occur. Twice the House of Representatives and once the Senate, by affirmative votes, almost unanimously, upon a proposition for the construction of this great canal, emphasized this idea: That in the construction of that canal the power to build and responsibility for building should be lodged in one person, and that person the President of the United States. Ample reasons were given. It was known that the enterprise was immense in character; it was known that it would involve an immense expenditure of money; it was known that that expenditure would be far remote from the United States, from the centers of business, far from the espionage of newspaper men, from those guards that often are so effective in preventing scandals and wrongdoing. There those who had charge of this matter would be isolated. There were no possibilities of finding units of cost by which men could properly estimate what ought to be paid for a given work. New conditions existed there—climatic conditions; new conditions of labor existed there that our contractors in the United States were unfamiliar with and that they could not foresee. Disease was recognized as an important factor, and the difficulties of sanitation were always recognized, and so it was thought wise and proper by this House and by the other—because the Senate once passed one of the House bills where no commission existed and where all the power was lodged in the President, and all the responsibility was placed in him—to concentrate power, and so to impose responsibility upon one person. This House refused its consent that even a commission should exist. It wanted no person behind whom that man charged with responsibility and invested with power could hide—and I do not use that phrase disrespectfully. We would not consent that the brothers and the uncles and the nephews of Senators or of defunct Senators should have participation there in responsibility or power in the construction of this canal; and so, until we were forced to accept that proposition that we now are laboring under, until that coercive

means was brought to bear upon this House, it had studiously refused to have aught to do with commissions or in any way to divide responsibility or to curtail power. Now, the President has that power, but before he begins to exercise it the gentleman from Mississippi [Mr. WILLIAMS] suggests to us that he wants to tie his hands with regard to the methods that should be pursued; and the gentleman from Illinois [Mr. MADDEN], possibly in order that some of the Chicago veterans in contracts should dabble in this matter, informs us that he has introduced a bill that takes away some part of this power and responsibility and compels the President to pursue a course of action that will let these gentlemen, who have engaged "in the greatest up to this day enterprise" have part and parcel——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WANGER. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa may conclude his remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Iowa may continue until he has concluded his remarks. Is there objection?

There was no objection.

Mr. HEPBURN. I thank you. I shall not occupy but a moment. Now, Mr. Chairman, I do not want this policy to be changed at the very outstart of the work. I want this responsibility to remain where it is, and I want the power to go hand in hand with that responsibility. I do not want anybody to divide with him the responsibility for this great work. It is better to concentrate it in one person and make one man alone responsible that it be done and be done well.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HEPBURN. I yield.

Mr. WILLIAMS. The gentleman from Iowa [Mr. HEPBURN] will remember that he and I were in strict accord upon the question of charging the Executive with the construction of this work. Since that time that plan has been changed, not by his efforts, nor by mine, nor by our agreement except under coercion. We now have a Commission. Now, then, we are confronted with a new question, are we not, as to whether we would rather have that which we did not want or to put out the work by contract? I will go back with the gentleman to putting this work under the power of the President and War Department, with absolute responsibility to the American people, but it is not there now.

There is an intermediary dividing this responsibility, and behind which, as the gentleman said, the Executive can hide, and I use the word in no disrespectful sense.

Mr. HEPBURN. Mr. Chairman, I will admit that there has been——

Mr. MADDEN. Will the gentleman allow me to interrupt him for a moment?

Mr. HEPBURN. Yes, sir.

Mr. MADDEN. A moment ago the gentleman from Iowa said the gentleman from Illinois probably introduced a bill to let this work by contract, with the hope, perhaps, that some of his friends who were engaged in the construction of the sanitary canal in Chicago——

Mr. HEPBURN. No; I did not say that——

Mr. MADDEN. Might participate in the benefit to be derived from such character of work on the Isthmus. I want to say to the gentleman, in reply thereto, I am interested in no man who is engaged in the contract business, either in Chicago or in any place else on the American continent, and that I am only interested in one thing, and that is in the construction of this canal by the American Government at the lowest price at which it can be constructed legitimately in the shortest space of time possible. [Applause.]

Mr. HEPBURN. "The jade, she doth protest too much." I did not make any charge of that kind. Mr. Chairman, I was about to say that there has been a modification of this plan, and I want to say further that this House twice has tried to restore the proposition of the old scheme. Twice the House insisted upon the elimination of that Commission, and another body has thwarted that purpose; and I want to say so intent has that other body been that they were willing that this Zone should be, as it is to-day, without any legislation as to its government. They preferred that chaos should rule there rather than give up their participation in the appointment of those who should have control over this matter of construction. But while it is true that in a sense the plan has been divided there, yet in practice it has not, for the President, with abundant authority, authority that he has exercised as far as in the assignment of duties, has so apportioned the power of the Commission that they do not interfere with these responsibilities and with this power that he must exercise, and I am glad that it is so. I want to indorse that action. I want to say that in my judgment that was one of the wisest steps that have been taken with regard to this great enterprise; but I want now, Mr. Chairman, to enter my protest against any attempt to change this great policy further than it has been changed, of centralizing and unifying the responsibility and power for construction.

We have it now, I believe, practically in good hands, and I want gentlemen to possess their souls in patience and remember that under the situation that exists there some things must be done preceding the actual digging of this canal. Sanitation is essential. Residences are absolutely necessary for the men who are to do the work. The assembling of this great force of men peculiarly adapted, when there are so few who are adapted for exertion in that climate, takes time, and it takes time to work out all the details of the plans. And I want to further suggest that if in the wisdom of the President he thinks it best, the very scheme the gentleman from Mississippi advocates and the very scheme that the gentleman from Illinois promises at an early date he will advocate, may be adopted. There is nothing in the law to prohibit the plan that they think should be adopted, and it may be wiser in time to adopt this plan of letting, and I want to say further to the gentleman from Mississippi that even if that should be done no expenditure that has been undertaken up to this time will be an unwise expenditure, because the machines that are now being prepared and procured, the railway that is now being constructed, the buildings that are being erected, the assembling of hands that is now going on—all of these will facilitate the building, and all of these aids, I take it, will be considered properly and fully when the lettings are to be agreed upon; all these aids will be taken into account when the contracts finally are let. [Applause.]

Mr. LITTAUER. 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. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12320—the general deficiency bill—and had come to no resolution thereon.

CONSTRUCTION OF DAMS AND POWER STATIONS ON THE TENNESSEE RIVER AT MUSCLE SHOALS, ALA.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill H. R. 297.

The SPEAKER. The gentleman from Alabama asks unanimous consent to call up for present consideration the following bill, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any person, company, or corporation having authority therefor under the laws of the State of Alabama may hereafter erect, maintain, and use a dam or dams in or across the Tennessee River, in the State of Alabama, at such points at Muscle Shoals as they may elect between the western line of Lawrence County, Ala., and the mouth of Town Creek, in the northwestern part of said county, along the southern bank of said Tennessee River, for the purpose of erecting, operating, and maintaining power station and to maintain inlet and outlet races or canals and to make such other improvements as may be necessary for the development of water power and the transmission of the same, subject always to the provisions and requirements of this act, and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War.

SEC. 2. That detailed plans for the construction and operation of a dam or dams and other appurtenant and necessary works shall be submitted by the person, company, or corporation desiring to construct the same to the Chief of Engineers and the Secretary of War, with a map showing the location of such dam or other structures, with such topographical and hydrographic data as may be necessary for a satisfactory understanding of the same, which must be approved by the Chief of Engineers and the Secretary of War before work can be commenced on said dam or dams or other structures; and after such approval of said plans no deviation whatsoever therefrom shall be made without first obtaining the approval of the Chief of Engineers and the Secretary of War: *Provided*, That the constructions hereby authorized do not interfere with the navigation of the Muscle Shoals Canal located on the north side of the Tennessee River or the navigation of the Tennessee River: *And provided further*, That said dam or dams and works shall be limited only to the use of the surplus water of the river, not required for the navigation of the Muscle Shoals Canal on the north side of said river, and that no structures shall be built and no operations conducted by those availing themselves of the provisions of this act which shall injure or interfere with the navigation of the Muscle Shoals Canal or impair the usefulness of any improvement made by the Government in the interest of navigation.

SEC. 3. That the Government of the United States reserves the right, at any time that the improvement of the navigation of the Tennessee River demands it, to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an extent as may be

necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the person, company, or corporation owning and controlling such dam or dams or other structures shall convey to the United States, under such terms as Congress shall prescribe, titles to such land as may be required for the use of such lock and approaches, and in addition thereto shall grant to the United States, free of cost, the free use of water power for building and operating such constructions: *Provided, also,* That the person, company, or corporation building, maintaining, or operating any dam or dams or other structures under the provisions of this act shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise, and the nearest State or Federal court shall have jurisdiction to hear suits to recover compensation for alleged damage.

SEC. 4. That all the rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such right shall at any time fail to comply with any of the provisions or requirements of this act, or with any of the stipulations that may be prescribed by the Chief of Engineers and the Secretary of War.

SEC. 5. That the provisions of this act shall in no manner interfere with or impair the rights of any person, company, or corporation heretofore authorized by Congress to erect a dam or other structures for the development of water power on the Tennessee River.

SEC. 6. That the right to alter, amend, or repeal this act is expressly reserved.

The amendments by the committee were read, as follows:

In line 7, page 1, strike out the words "western line," and strike out all of lines 8 and 9 and line 10 to and including the word "River" and insert in lieu thereof the following: "mouth of Malletts Creek on the east, and the western line of section 16, township 3, range 10, on the west."

In line 13 on page 1, after the word "improvements," insert "on the southern bank of the Tennessee River."

Add at the end of section 3 the following: "The person, company, or corporation owning or operating such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe."

At the end of section 4 add the following: "or in case a person, company, or corporation authorized by the laws of the State of Alabama to erect and maintain a dam and improvements, as contemplated by this act, shall fail to begin the erection of said dam and improvements within two years after being so authorized and shall fail to complete the same within five years after obtaining such authority."

The SPEAKER. The question is on agreeing to the amendments.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. RICHARDSON] if this is the same bill that was before the last Congress and was finally beaten by the vote of the House?

Mr. RICHARDSON of Alabama. The Fifty-eighth Congress? No, sir.

Mr. PAYNE. I was informed that it was.

Mr. RICHARDSON of Alabama. No, sir; there was a similar bill——

Mr. PAYNE. I notice that it assumes the right of eminent domain.

Mr. RICHARDSON of Alabama. No, sir.

Mr. PAYNE. The bill itself provided for wiping out of private rights.

Mr. RICHARDSON of Alabama. I will say to the gentleman from New York that this is not the same bill at all.

Mr. PAYNE. Does not this bill assume that they have the right of eminent domain, and by virtue of that right provide a method of absorbing of private rights there by condemnation?

Mr. RICHARDSON of Alabama. No, sir.

Mr. PAYNE. I so understood it as the bill was read.

Mr. MANN. I will say to the gentleman from New York that this bill simply gives the consent of the Government. The corporation that exercises any right under this bill must obtain it either from the State of Alabama——

Mr. RICHARDSON of Alabama. And from the Government.

Mr. MANN. I will say that a bill for the same purpose did pass this House in the Fifty-seventh Congress, but did not become a law.

Mr. PAYNE. Was there not a bill for a similar purpose before the last Congress?

Mr. RICHARDSON of Alabama. There was a bill for the establishment of a dam at Muscle Shoals before the last Congress, but a totally different bill from this one.

Mr. PAYNE. Did it not reach the House, and was it not beaten after discussion?

Mr. RICHARDSON of Alabama. It never reached the House at all. It never got past the committee, and was never up for discussion.

Mr. MANN. This bill has not only met the approval of the committee, but of the War Department.

Mr. RICHARDSON of Alabama. And not only of the War Department, but the Chief Engineer of the United States Army in very strong and complimentary terms.

Mr. PAYNE. On the assurance of the gentleman from Illinois [Mr. MANN] and of the gentleman from Alabama [Mr. RICHARDSON] that it does not provide for the condemnation of private rights, I will not object.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

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

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. ACHESON. Mr. Speaker, I ask unanimous consent for present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. ACHESON] asks unanimous consent for present consideration of a bill (H. R. 11045) of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 11045) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, has this bill the unanimous report of the committee?

Mr. WANGER. It has the unanimous report of the Interstate and Foreign Commerce Committee.

Mr. WILLIAMS. And contains the usual provision?

Mr. WANGER. This bill is simply to extend the time which was authorized by a bill which has been heretofore passed, in order that the work may be begun and finished.

Mr. WILLIAMS. Mr. Speaker, I have no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 7 of an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, be, and is hereby, amended to read as follows:

"SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 21, 1906."

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

On motion of Mr. ACHESON, the motion to reconsider the vote by which the bill was passed was laid on the table.

INTERNATIONAL CONFERENCE OF AMERICAN STATES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State regarding representation by the United States at the Third International Conference of American States, to be held at the city of Rio de Janeiro, Brazil, beginning on the 21st day of July next.

I join in the recommendation made by the Secretary of State that the sum of $100,000, or so much thereof as may be necessary, be appropriated for this purpose.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

DEPARTMENT METHODS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

On June 2, 1905, I appointed a committee on Department methods to investigate the business methods and practice of the Executive Departments, and to report plans for their improvement. This committee has taken up its great task vigorously, and material benefit to the Government service has already resulted from its efforts.

Much valuable information has been gathered, and the preliminary work is largely done. The time has now come for the committee to assign trained men to the detailed investigation of routine throughout the Government service, as a basis for definite steps toward added economy and efficiency. Many men already in the Government service can be assigned temporarily to this work, and some of them can be properly paid under the appropriations against which these salaries are charged. Others must be obtained from outside. The committee on Department methods will need the assistance not only of efficient men in the Government service, but also of recognized business experts from private life. To that end, I ask that the Congress provide an appropriation of twenty-five thousand dollars ($25,000), to be expended under the direction of the President for the payment of salaries and expenses of specialists and experts to investigate and report upon business methods and practice throughout the Government service. Since the work of the committee on Department methods has already reached a stage where the employment of such experts is necessary, this appropriation should be available immediately and until expended.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

PAYMENT OF CERTAIN SAMOAN CLAIMS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read,

referred to the Committee on Appropriations, and, with accompanying papers, ordered to be printed:

To the Congress:

In connection with the matter of this Government's obligation to pay to that of Germany the sum of $20,000 in settlement of certain Samoan claims under the convention of November 7, 1899, between the United States, Germany, and Great Britain, and the decision of the King of Sweden and Norway as arbitrator under the convention, which I forwarded to the Congress on December 15, 1905, I transmit herewith a report by the Secretary of State showing the obligation to pay, under Article III of that convention, the sum of $760 in settlement of Danish claims.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

INTERNATIONAL PRISON CONGRESS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and, with the accompanying papers, ordered to be printed:

To the Congress:

I transmit herewith a report by the Secretary of State, showing the acceptance by the International Prison Congress of the invitation to hold its next meeting in the United States, extended in pursuance of the joint resolution of Congress, approved March 3, 1905.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Insular Affairs, and, with accompanying papers, ordered to be printed:

To the Congress:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith three ordinances (enumerated in the accompanying report of the Secretary of State) enacted by the executive council of Porto Rico, with the approval of the governor thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DICKSON of Illinois, for ten days, on account of sickness in family.

WITHDRAWAL OF PAPERS.

Mr. SPARKMAN, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry Sistrunk, Fifty-eighth Congress, no adverse report having been made thereon.

Mr. LITTAUER. I renew my motion to adjourn, Mr. Speaker.

The motion was agreed to.

Accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

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 Commerce and Labor, transmitting a report of Special Agent Charles M. Pepper on trade conditions in Canada—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for purchase of a manuscript of a chronological history of the Department of State—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report of Special Agent Lincoln Hutchinson on trade conditions in Brazil—to the Committee on Interstate and Foreign Commerce, and letter only ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for improvements for the Central High School—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Olympia Harbor, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Brunswick Harbor, Georgia—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9051) granting an increase of pension to Asher S. Bouden, reported the same without amendment, accompanied by a report (No. 433); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 15) granting an increase of pension to Lizzie E. Shehan, reported the same without amendment, accompanied by a report (No. 434); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 23) granting an increase of pension to Charles A. Bradbury, reported the same without amendment, accompanied by a report (No. 435); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 76) granting an increase of pension to Hartwell C. Keyes, reported the same without amendment, accompanied by a report (No. 436); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 82) granting an increase of pension to Curtis A. Carpenter, reported the same without amendment, accompanied by a report (No. 437); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 85) granting an increase of pension to Edward Keaster, reported the same without amendment, accompanied by a report (No. 438); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 99) granting an increase of pension to Eugene P. Kingsley, reported the same without amendment, accompanied by a report (No. 439); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 113) granting an increase of pension to John D. McFadden, reported the same without amendment, accompanied by a report (No. 440); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 135) granting an increase of pension to Peter P. Chacey, reported the same without amendment, accompanied by a report (No. 441); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 137) granting an increase of pension to Robert Wiper, reported the same without amendment, accompanied by a report (No. 442); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 144) granting an increase of pension to Minerva Briggs, reported the same without amendment, accompanied by a report (No. 443); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 147) granting an increase of pension to Patrick McCue, reported the same without amendment, accompanied by a report (No. 444); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 149) granting an increase of pension to Cassius Lisk, reported the same without amendment, accompanied by a report (No. 445); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 150) granting an increase of pension to Lucius A. Lincoln, reported the same without amendment, accompanied by a report (No. 446); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 157) granting an increase of pension to Lizzie G. Reynolds, reported the same without amendment, accompanied by a report (No. 447); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 168) granting an increase of pension to

Elizabeth Davis, reported the same without amendment, accompanied by a report (No. 448); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 182) granting an increase of pension to Oliver P. Smith, reported the same without amendment, accompanied by a report (No. 449); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 184) granting an increase of pension to Lyman Marsh, reported the same without amendment, accompanied by a report (No. 450); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 194) granting an increase of pension to James L. Cowell, reported the same without amendment, accompanied by a report (No. 451); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 195) granting an increase of pension to John Pieper, reported the same without amendment, accompanied by a report (No. 452); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 202) granting an increase of pension to Allen Amburn, reported the same without amendment, accompanied by a report (No. 453); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 204) granting an increase of pension to John F. Walter, reported the same without amendment, accompanied by a report (No. 454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 205) granting an increase of pension to Francis Gee, reported the same without amendment, accompanied by a report (No. 455); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 217) granting an increase of pension to William C. Breckenridge, reported the same without amendment, accompanied by a report (No. 456); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 336) granting a pension to Abraham M. Cory, reported the same without amendment, accompanied by a report (No. 457); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 471) granting an increase of pension to Thomas McLaughlin, reported the same without amendment, accompanied by a report (No. 458); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 489) granting an increase of pension to Nelson B. Tool, reported the same without amendment, accompanied by a report (No. 459); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 525) granting an increase of pension to Michael Brady, reported the same without amendment, accompanied by a report (No. 460); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 528) granting a pension to Robert M. McCormick, reported the same without amendment, accompanied by a report (No. 461); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 530) granting an increase of pension to Sophia A. Knapp, reported the same without amendment, accompanied by a report (No. 462); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 532) granting an increase of pension to Hiram B. Doty, reported the same without amendment, accompanied by a report (No. 463); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 559) granting an increase of pension to Seth M. Tucker, reported the same without amendment, accompanied by a report (No. 464); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 560) granting an increase of pension to Andrew C. Reed, reported the same without amendment, accompanied by a report (No. 465); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 571) granting an increase of pension to Charles H. Knight, reported the same without amendment, accompanied by a report (No. 466); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 626) granting an increase of pension to Allen J. Nash, reported the same without amendment, accompanied by a report (No. 467); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 627) granting an increase of pension to Joseph Hiler, reported the same without amendment, accompanied by a report (No. 468); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 708) granting an increase of pension to Maurice Downey, reported the same without amendment, accompanied by a report (No. 469); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 713) granting an increase of pension to Ephraim A. Gordon, reported the same without amendment, accompanied by a report (No. 470); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 777) granting an increase of pension to Byron Lent, reported the same without amendment, accompanied by a report (No. 471); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 783) granting an increase of pension to Moses H. Sawyer, reported the same without amendment, accompanied by a report (No. 472); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 786) granting an increase of pension to Patrick Garvey, reported the same without amendment, accompanied by a report (No. 473); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 844) granting an increase of pension to James W. Ryan, reported the same without amendment, accompanied by a report (No. 474); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 849) granting an increase of pension to Horatio Carter, reported the same without amendment, accompanied by a report (No. 475); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 944) granting an increase of pension to Robert F. Catterson, reported the same without amendment, accompanied by a report (No. 476); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 974) granting an increase of pension to David L. Wright, reported the same without amendment, accompanied by a report (No. 477); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1036) granting an increase of pension to William C. Beachey, reported the same without amendment, accompanied by a report (No. 478); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1164) granting an increase of pension to Henry E. Bedell, reported the same without amendment, accompanied by a report (No. 479); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1214) granting an increase of pension to Charles W. Oleson, reported the same without amendment, accompanied by a report (No. 480); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1238) granting an increase of pension to John Christoff, reported the same without amendment, accompanied by a report (No. 481); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1239) granting an increase of pension to Joseph G. McGarvey, reported the same without amendment, accompanied by a report (No. 482); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1269) granting an increase of pension to Charles E. Smith, reported the same without amendment, accompanied by a report (No. 483); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1310) granting an increase of pension to Charles S. M. Hooton, reported the same without amendment, accompanied by a report (No. 484); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1340) granting an increase of pension to John Leavitt, reported the same without amendment, accompanied by a report (No. 485); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1341) granting an increase of pension to Fred Preisinger, reported the same without amendment, accompanied by a report (No. 486); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1342) granting an increase of pension to Morton M. Noah, reported the same without amendment, accompanied by a report (No. 487); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1359) granting an increase of pension to Jeremiah Ingalls, alias Jeremiah Boss, reported the same without amendment, accompanied by a report (No. 488); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1408) granting an increase of pension to Julia W. Estes, reported the same without amendment, accompanied by a report (No. 489); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1431) granting an increase of pension to William W. Lane, reported the same without amendment, accompanied by a report (No. 490); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1505) granting an increase of pension to Uriah D. Barrett, reported the same without amendment, accompanied by a report (No. 491); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1737) granting an increase of pension to Helen M. Blanchard, reported the same without amendment, accompanied by a report (No. 492); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1826) granting an increase of pension to Rufus H. Paine, reported the same without amendment, accompanied by a report (No. 493); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1872) granting an increase of pension to Rebecca A. White, reported the same with amendment, accompanied by a report (No. 494); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1888) granting an increase of pension to George W. Patton, reported the same without amendment, accompanied by a report (No. 495); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TOWNSEND: A bill (H. R. 12688) to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee for the United States in connection with the St. Marys Falls Ship Canal—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 12689) to amend the act to carry into effect the treaty between the United States and Spain concluded September 10, 1898—to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio: A bill (H. R. 12690) to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FITZGERALD: A bill (H. R. 12691) to provide for the improvement of Coney Island channel—to the Committee on Rivers and Harbors.

By Mr. MORRELL: A bill (H. R. 12692) to provide for opening and extending streets and avenues, county roads, and suburban streets in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. MACON: A bill (H. R. 12693) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River at a point in Clay County, Ark., where the section line between sections 23 and 26, in township 20 north, range 9 east, touches said river—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12694) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River at a point in Clay County, Ark., where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Michigan: A bill (H. R. 12695) for the erection of a post-office building at Coldwater, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. MURPHY: A bill (H. R. 12696) to provide for the incorporation of national railway companies—to the Committee on the Judiciary.

By Mr. CURTIS: A bill (H. R. 12697) to restore the rights of certain militiamen, and for other purposes—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12698) providing an appropriation to be expended by the Secretary of Agriculture in the development of crops for dry farming—to the Committee on Agriculture.

By Mr. DIXON of Montana: A bill (H. R. 12699) creating the Big Hole Battle Ground National Park—to the Committee on the Public Lands.

By Mr. KENNEDY of Nebraska: A bill (H. R. 12700) to divide Nebraska into two judicial districts—to the Committee on the Judiciary.

By Mr. DAVIS of West Virginia: A bill (H. R. 12701) to condemn the Hummell lot—to the Committee on the District of Columbia.

Also, a bill (H. R. 12702) to extend the water and sewer systems in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HERMANN: A bill (H. R. 12703) granting a pension to all pensioners of the civil and Indian wars of not less than $12 per month, and to the widows of such persons a like pension—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12704) for the construction, equipment, and operation of a dredge, with necessary appliances and scows—to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: A bill (H. R. 12705) to amend the internal-revenue laws, and so forth—to the Committee on Ways and Means.

By Mr. NEVIN: A bill (H. R. 12706) to regulate the practice in United States courts in regard to instructing juries therein—to the Committee on the Judiciary.

By Mr. HAMILTON: A bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 12708) to increase the limit of cost for the purchase of site and the erection of public building at Westchester, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 12709) to allow and regulate amendments in judicial proceedings in the courts of the United States—to the Committee on the Judiciary.

By Mr. CURTIS: A bill (H. R. 12710) permitting the St. Louis, San Francisco and New Orleans Railroad Company (formerly the Arkansas and Choctaw Railway Company), the St. Louis and Oklahoma City Railroad Company, the St. Louis, Oklahoma and Southern Railway Company, and the Oklahoma City and Western Railroad Company, and each or either of them, to sell and convey their railroads and other property in the

Indian Territory to the St. Louis and San Francisco Railroad Company, and for other purposes—to the Committee on Indian Affairs.

By Mr. SPARKMAN: A bill (H. R. 12711) providing for the erection of a public building at the city of Ocala, Fla., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. BRANTLEY: A bill (H. R. 12843) 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—to the Committee on the Judiciary.

By Mr. KEIFER: A resolution (H. Res. 160) authorizing and directing the Committee on Accounts to provide payment for certain House elevator conductors—to the Committee on Accounts.

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. 12712) for the relief of Warren A. Woodson—to the Committee on Military Affairs.

By Mr. ALLEN of Maine: A bill (H. R. 12713) granting an increase of pension to Augustus F. Bradbury—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 12714) granting a pension to James Pierce—to the Committee on Pensions.

By Mr. BENNET of New York: A bill (H. R. 12715) granting a pension to George B. Kirk—to the Committee on Pensions.

By Mr. BIRDSALL: A bill (H. R. 12716) granting an increase of pension to James Dowling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12717) granting an increase of pension to Enoch W. Sedgwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12718) granting an increase of pension to Don A. Winchell—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 12719) granting an increase of pension to Katherine Wills—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 12720) granting a pension to Sarah Duffield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12721) to remove the charge of desertion from the military record of Thomas Heron and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 12722) for the relief of William M. Goforth—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 12723) for the relief of the estate of Marcus Walker, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12724) granting a pension to Daniel Cannon—to the Committee on Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 12725) granting an increase of pension to Edward Lilley—to the Committee on Invalid Pensions.

Mr. BURTON of Delaware: A bill (H. R. 12726) for the relief of the heirs of Henry Hackfeld, Frank Molteno, and James I. Dowsett, deceased—to the Committee on Claims.

Also, a bill (H. R. 12727) granting an increase of pension to Benjamin D. Bogia—to the Committee on Invalid Pensions.

By M. CAMPBELL of Kansas: A bill (H. R. 12728) for the relief of E. A. Brown—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 12729) granting a pension to George W. McBride—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 12730) for the relief of the heirs of Raphael Cohen—to the Committee on War Claims.

By Mr. COLE: A bill (H. R. 12731) granting a pension to Thomas J. Mullin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12732) granting an increase of pension to Thomas Gillespey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12733) granting an increase of pension to Charles W. Kelsey—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 12734) granting an increase of pension to Abram Van Riper—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 12735) for the relief of Green Edmondson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12736) for the relief of Annie Catharine Mettier—to the Committee on War Claims.

Also, a bill (H. R. 12737) for the relief of the city of Atchison, State of Kansas—to the Committee on Appropriations.

Also, a bill (H. R. 12738) granting a pension to J. S. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12739) granting a pension to J. S. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12740) granting a pension to Josiah C. Ury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12741) granting an increase of pension to Elmer G. Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12742) granting an increase of pension to John L. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12743) granting an increase of pension to J. H. Belcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12744) granting an increase of pension to Richard Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12745) granting an increase of pension to James M. Dumenil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12746) granting an increase of pension to B. B. Bacon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12747) granting an increase of pension to William E. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12748) granting an increase of pension to John P. Wager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12749) extending provisions of an act granting pensions to soldiers and sailors, approved June 27, 1890, to the Eighteenth and Nineteenth Regiments of Kansas Cavalry Volunteers—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 12750) for the relief of B. F. Moody & Co., or their legal representatives—to the Committee on War Claims.

By Mr. DEEMER: A bill (H. R. 12751) to remove the charge of desertion standing against the military record of Bernhard Steuber—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 12752) for the relief of the estate of James H. Hardesty, deceased—to the Committee on War Claims.

By Mr. DRAPER: A bill (H. R. 12753) granting an increase of pension to Walter B. Thayer—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 12754) granting an increase of pension to William B. Eversole—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 12755) granting an increase of pension to N. W. Plymate—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 12756) granting a pension to Oliver P. Jackson—to the Committee on Invalid Pensions.

Also a bill (H. R. 12757) granting an increase of pension to Samuel Neel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12758) granting an increase of pension to Ephraim M. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12759) granting an increase of pension to John Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12760) granting an increase of pension to William Ralston—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 12761) granting an increase of pension to John W. Fellows—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12762) granting an increase of pension to Jesse H. Brandt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12763) for the relief of John H. KcKenna—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 12764) for the relief of D. Froneberger & Co.—to the Committee on War Claims.

Also, a bill (H. R. 12765) for the relief of M. E. Hall and the estate of James B. Hall, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12766) for the relief of the estate of Lemuel Cox, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12767) to correct the war record of George Washington Pevyhouse—to the Committee on Military Affairs.

Also, a bill (H. R. 12768) granting a pension to Samuel Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12769) granting a pension to Jesse L. Riggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12770) granting a pension to Tirza E. B. Hendricks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12771) granting a pension to Addie Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12772) granting a pension to James Dunahoo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12773) granting an increase of pension to Thomas L. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12774) granting an increase of pension to James C. McConnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12775) granting an increase of pension to William M. Murrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12776) granting an increase of pension to William Roach—to the Commitee on Invalid Pensions.

Also, a bill (H. R. 12777) granting an increase of pension to W. G. Sliger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12778) granting an increase of pension to Emanuel Netherway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12779) granting an increase of pension to John W. Hickle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12780) granting an increase of pension to John Ridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12781) granting an increase of pension to G. W. Horton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12782) granting an increase of pension to Andrew L. Cassady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12783) granting an increase of pension to Samuel Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12784) granting an increase of pension to Henry Finger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12785) granting an increase of pension to William P. Tutterow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12786) granting a pension to Serelda Day—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 12787) granting an increase of pension to Thomas Bosley—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 12788) granting an increase of pension to Ormond N. Hopkins—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 12789) granting an increase of pension to John L. Kirkhart—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 12790) granting an increase of pension to George Ingram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12791) granting an increase of pension to Marion Gunter—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 12792) granting an increase of pension to William Wiley—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 12793) granting a pension to William Kral—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 12794) granting an increase of pension to Noah Perrin—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 12795) granting an increase of pension to Henry Stimon—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12796) granting a pension to John M. Seavers—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 12797) granting an increase of pension to Alvin Denning—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 12798) granting a patent in fee to Mary Whiting of her allotment, No. 11, of the Ponca Indian Reservation—to the Committee on Indian Affairs.

By Mr. LEE: A bill (H. R. 12799) for the relief of the congregation of the Christian Church of Acworth, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 12800) for the relief of the trustees of the Methodist Episcopal Church South, at Powder Springs, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 12801) for the relief of the trustees of the Missionary Baptist Church, of Powder Springs, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 12802) for the relief of William Shepherd—to the Committee on War Claims.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 12803) granting a pension to Emma C. Waldren—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 12804) to correct the military record of Cyrus Irwin—to the Committee on Military Affairs.

Also, a bill (H. R. 12805) to correct the military record of Thomas J. Shaw—to the Committee on Military Affairs.

Also, a bill (H. R. 12806) for the relief of Francis A. Shawl—to the Committee on Private Land Claims.

By Mr. McKINNEY: A bill (H. R. 12807) granting a pension to Nancy Ann Gee—to the Committee on Pensions.

By Mr. McNARY: A bill (H. R. 12808) granting a pension to Anna Mansfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12809) granting an increase of pension to Michael J. Meehan—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 12810) granting an increase of pension to Edward Ross—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 12811) granting a pension to Elizabeth Burniston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12812) granting a pension to Sallie B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12813) granting a pension to Reese Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12814) granting an increase of pension to Robert W. Keen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12815) granting an increase of pension to William Mays—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 12816) for the relief of the estate of N. T. Power, deceased—to the Committee on War Claims.

Also, bill (H. R. 12817) for the relief of the estate of H. B. Henegar, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12818) for the relief of the estate of Asa Faulkner, deceased; Lewis Faulkner, deceased, and S. B. Spurlock, deceased—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 12819) granting an increase of pension to Silas Macy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12820) granting an increase of pension to William Ruby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12821) granting an increase of pension to Joseph Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12822) to remove the charge of desertion from the military record of William G. Morris—to the Committee on Military Affairs.

Also, a bill (H. R. 12823) to remove the charge of desertion from the military record of Peter Ehrstine—to the Committee on Military Affairs.

By Mr. PEARRE (by request): A bill (H. R. 12824) to provide for the payment of certain claims against the District of Columbia, in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897—to the Committee on the District of Columbia.

By Mr. POLLARD: A bill (H. R. 12825) granting an increase of pension to Daniel Bloomer—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 12826) for the relief of the trustees of Tabernacle Methodist Episcopal Church South, of Culpeper County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 12827) for the relief of the trustees of the Presbyterian Church of Culpeper, Va.—to the Committee on War Claims.

Also, a bill (H. R. 12828) granting an increase of pension to Martha Brooks Wilson—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 12829) for the relief of James P. Barney—to the Committee on War Claims.

By Mr. SOUTHWICK: A bill (H. R. 12830) for the relief of the estate of Jerusha Appleton, deceased—to the Committee on Claims.

Also, a bill (H. R. 12831) for the relief of the estate of Joseph Belser, deceased—to the Committee on Claims.

Also, a bill (H. R. 12832) to refund legacy taxes illegally collected from the estate of Hamilton Harris—to the Committee on Claims.

Also, a bill (H. R. 12833) to refund legacy taxes illegally collected from the estate of Rachel S. Wilson, late of Watervliet, Albany County, N. Y.—to the Committee on Claims.

Also, a bill (H. R. 12834) granting an increase of pension to Theodore Schramm—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 12835) granting a pension to I. Winslow Ayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12836) granting an increase of pension to Daniel W. Moore—to the Committee on Invaild Pensions.

By Mr. CLAYTON: A bill (H. R. 12837) granting an increase of pension to Martha Miller—to the Committee on Pensions.

By Mr. DALE: A bill (H. R. 12838) to correct the military record of Charles H. Shippey—to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 12839) granting an increase of pension to Kathryn G. Hayt—to the Committee on Pensions.

By Mr. HITT: A bill (H. R. 12840) for the relief of L. Biertempfel—to the Committee on Claims.

By Mr. HUGHES: A bill (H. R. 12841) granting an increase of pension to Alonzo Dyke—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 12842) granting an increase of pension to William J. Drake—to the Committee on Invalid Pensions.

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. 3220) granting an increase of pension to Sarah

Johnston—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10447) granting a pension to Charles M. Bowen—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12098) for the relief of Robert Jobe—Committee on Claims discharged, and referred to the Committee on War Claims.

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: Petition of H. N. Robbs et al., for the repeal of tax on hides—to the Committee on Ways and Means.

Also, petition of the Farragut Association of Naval Veterans, against the destruction of the old ship *Constitution*—to the Committee on Naval Affairs.

Also, petition of Republicans of Mahone County, Ariz., against joint statehood—to the Committee on the Territories.

Also, petition of Seventh Day Adventists of District of Columbia, for bill H. R. 9734—to the Committee on the District of Columbia.

By Mr. ADAMS of Pennsylvania: Petition of the Brotherhood of Railway Trainmen of Philadelphia, for bills H. R. 239 and S. 1657—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Petition of East Buffalo Lodge, No. 417, Brotherhood of Railway Trainmen, for bills H. R. 239 and 9328—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hunz & Munschauer and the Niagara Machine and Tool Works, of Buffalo, N. Y., for repeal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of Coal Valley Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

Also, petitions of the American Mining Congress, relative to mining—to the Committee on Mines and Mining.

By Mr. BARTLETT: Petition of the Macon Trades and Labor League, of Macon, Ga., and the Georgia State and Labor League, against control of railway rates by Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of heir of Washington Hay—to the Committee on War Claims.

By Mr. BEALL of Texas: Paper to accompany bill for relief of James Pierce—to the Committee on Pensions.

By Mr. BOWERSOCK: Petition of citizens of Kincaid, Kans., for removal of duty on alcohol—to the Committee on Ways and Means.

By Mr. BROWN: Petition of Charles Derach and others, for relief of heirs of victims of the *Slocum* disaster—to the Committee on Claims.

By Mr. BURKE of Pennsylvania: Petition of citizens of Pittsburg, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the American Mining Congress, relative to mining—to the Committee on Mines and Mining.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

Also, petition of the Humane Society of Pennsylvania, relative to transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of the General Assembly of the Presbyterian Church, relative to transportation of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Paper to accompany bill for relief of John O. Johnson—to the Committee on Naval Affairs.

By Mr. BURTON of Delaware: Petitions of Harrington (No. 4), Felton, John M. Clayton, Stars and Stripes, Diamond, Overbrook, Frederica, and Enterprise Councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Pennsylvania: Petition of Master Grange No. 91, against tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of John P. Croser Council, No. 187, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CHANEY: Paper to accompany bill for relief of George W. McBride—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Petitions of E. Rutan et al., C. F. Kraight et al., the Woman's Club, the Twentieth Century Club, the Current Events Literary Club, and the Hypatia Club, all of Greenville, Mich., against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petitions of Frank Dines et al., and the Boyne City Chemical Company, against tax on domestic alcohol—to the Committee on Ways and Means.

By Mr. DEEMER: Petitions of Master Granges Nos. 84 and 1183 and A. H. Heilman & Co., against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Petitions of Cumberland Council, No. 3, and Lincoln Council, No. 28, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of J. H. Allen Council, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Western Fruit Jobbers' Association, relative to railway traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Commercial Law League of America, for reformation of the diplomatic service—to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of the Commercial Law League of America, for reform of the consular service—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of the Union League Club of New York, for bill H. R. 3—to the Committee on Ways and Means.

Also, petition of 14 citizens of New York and vicinity, for relief of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. FOSTER of Indiana: Petitions of the Evansville Mirror and Beveling Company and the Evansville Desk Company, against tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Clem Reitz et al., of Indiana, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Golden Rule Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Illinois State Horticultural Society, for protection of cider vinegar, etc.—to the Committee on Agriculture.

Also, petition of the National Reciprocity Conference, for revision of the tariff—to the Committee on Ways and Means.

Also, petition of Levi Doty, against extension of the time for leaving live stock on cars—to the Committee on Agriculture.

By Mr. GILBERT of Indiana: Petition of the Railway Postal Clerks of the United States, favoring bill H. R. 18469—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Vesuvius Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalizaton.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

Also, petition of the general assembly's permanent committee on temperance, relative to transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the American Mining Congress, relative to mining—to the Committee on Mines and Mining.

By Mr. GRANGER: Petitions of the Women's Christian Temperance Unions of Providence, East Greenwich, Woonsocket, Pawtucket, Saylesville, Arlington, Phoenix, and Ashton, and the Methodist Episcopal Church of Greenwich, all in the State of Rhode Island, against liquor selling in Indian Territory and Oklahoma when admitted as States—to the Committee on the Territories.

Also, petitions of the Providence (R. I.) Building Trades Council, and Local Union No. 195, Brotherhood of Painters, Decorators, and Paper Hangers of America, against tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of Eagle and Washington councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the Women's Christian Temperance Union of Portsmouth, and Grace Marchant, of Woonsocket, R. I., against liquor selling in Indian Territory and Oklahoma when admitted as States—to the Committee on the Territories.

Also, petitions of Nonquit Lodge, No. 31; Portsmouth Grange,

No. 29, and Union Grange, No. 13, Patrons of Husbandry, of Tiverton, R. I., for bill H. R. 345—to the Committee on Agriculture.

By Mr. GROSVENOR: Paper to accompany bill for relief of Jesse H. Brandt—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John H. McKenna—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of citizens of Michigan, for removal of tax from denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Otsego Chair Company, of Otsego, Mich., for removal of tax from domestic alcohol—to the Committee on Ways and Means.

Also, petition of the South Haven and Casco Pomological Society, of Van Buren and Allegan counties, relative to icing charges on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Paper to accompany bill for relief of Mary C. Spangler—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joseph W. Harshbarger—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of Samuel Miller—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Mathias Diehl—to the Committee on War Claims.

Also, paper to accompany bill for relief of Samuel H. Sonner—to the Committee on War Claims.

Also, paper to accompany bill for relief of heir of John Bowman—to the Committee on War Claims.

Also, paper to accompany bill for relief of Augustus Walker—to the Committee on Pensions.

By Mr. HAYES: Paper to accompany bill for relief of John W. Ward—to the Committee on War Claims.

By Mr. HILL of Connecticut: Petition of Roger Sherman Council, No. 26, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the New England Section of the Society of Chemical Industry, for untaxed denaturized alcohol—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of Chamberlain Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of Union Lodge, No. 138, Brotherhood of Locomotive Firemen, favoring bills H. R. 239 and 9328 and S. 1657—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Commercial Law League of America, for reform of the consular service—to the Committee on Foreign Affairs.

By Mr. HOGG: Petition of leading business firms of the United States, favoring the Grosscup plan—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWRENCE: Petition of the Society of Chemical Industry, New England Section, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of estate of Obadiah E. Payne—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Joshua Johnston, of Chattanooga County, Ga.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Jane S. White—to the Committee on War Claims.

Also paper to accompany bill for relief of heirs of Patrick Jennings—to the Committee on War Claims.

Also, paper to accompany bill for relief of heir of Sarah Hays—to the Committee on War Claims.

By Mr. LESTER: Paper to accompany bill for relief of heirs of Edward B. Porter—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: Paper to accompany bill for relief of George Quien—to the Committee on Invalid Pensions.

By Mr. KAHN: Resolution of the Veterans' Home of California, favoring taking over Youngsville Soldiers' Home by the National Government—to the Committee on Military Affairs.

Also, petition of Yerba Buena Parlor, Native Sons of the Golden West, of San Francisco, Cal., relative to 5 per cent bill—to the Committee on Agriculture.

By Mr. KENNEDY of Nebraska: Petition of the Western Fruit Jobbers' Association, for enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Petition of Lorraine (N. Y.) Grange, No. 117, Patrons of Husbandry, for removal of tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McCALL: Petition of Joseph P. A. Hanlon, for extension of a patent on a screw—to the Committee on Patents.

Also, petitions of the Hallet & Davis Piano Company, of Boston; furniture manufacturers of New England; the Northeast Society of Chemical Industry, and W. B. Badger & Co., for removal of tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MACON: Paper to accompany bill for relief of Joseph Dongal—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Benjamin Bibb—to the Committee on Pensions.

By Mr. MAYNARD: Petition of the American Manufacturing Company, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MOON of Pennsylvania: Paper to accompany bill for relief of Sallie B. Smith—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Riverside Chamber of Commerce, for improvement of Yosemite Valley—to the Committee on Agriculture.

By Mr. OTJEN: Petition of Banner Council, No. 17, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PERKINS: Petition of Gates Grange, No. 421, for untaxed denaturized alcohol—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of citizens of Dunbar, Nebr., favoring an appropriation of $135,000 asked for by Secretary Wilson—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Lena Bush—to the Committee on Pensions.

By Mr. RIXEY: Paper to accompany bill for relief of Martha Brooks-Wilson—to the Committee on Invalid Pensions.

Also, petition of Alexandria Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Paper to accompany bill for relief of Joseph Rupert—to the Committee on Invalid Pensions.

Also, petition of Levi Doty, of Illinois, against bill relative to live stock in transit—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Texas: Petition of citizens of Texas, for a Federal district court at Del Rio, Tex.—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of the Northeast Section of the Society of Chemical Industry, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of the Minnesota National Guard Association, favoring bill H. R. 7136—to the Committee on Militia.

By Mr. SULLIVAN of New York: Petition of Anthony Rittes and others, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the National Manufacturers' Association, relative to improvement in the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of John L. Beveridge and 100 others, for a volunteer general retired list for volunteer generals of the civil war—to the Committee on Military Affairs.

Also, petition of 10 citizens of New York and vicinity, for relief of heirs of victims of the *Slocum* disaster—to the Committee on Claims.

Also, petition of the Military Order of Foreign Wars, New York Commandery, relative to wearing badges by military societies—to the Committee on Military Affairs.

Also, petition of the Minerva Club of New York, for increasing the President's salary—to the Committee on Appropriations.

By Mr. SULZER: Petition of 13 citizens of New York and vicinity, for relief of heirs of victims of the *Slocum* disaster—to the Committee on Claims.

By Mr. TIRRELL: Petition of the Woman's Afternoon Club, of Abington, Mass., for a forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. TOWNSEND: Petitions of Madison Grange, No. 384, of Adrian, Mich.; Adrian Grange, No. 213; Macon Grange, No. 167, and Rollin Grange, No. 383, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Paper to accompany bill H. R. 12304—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petitions of the Atlas Furniture Company, the Union Furniture Company, the Jamestown Lounge Company, and the Sheannan Brothers Company, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEISSE: Paper to accompany bill for relief of Charles H. Weaver—to the Committee on Pensions.

By Mr. WILEY of New Jersey: Petition of citizens of Washington, D. C., living on M street, against use of that street for an electric railway—to the Committee on the District of Columbia.

SENATE.

TUESDAY, *January 23, 1906.*

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

The Journal of yesterday's proceedings was read and 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 the following bills; in which it requested the concurrence of the Senate:

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama;

H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Lafayette Division, No. 7, Brotherhood of Locomotive Engineers, of Lafayette, Ind., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of Colonel Willett Council, No. 58, of Rome, and a petition of William McKinley Council, No. 76, of Brooklyn, Junior Order United American Mechanics, in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented the petition of Elizabeth P. Clarke and sundry other citizens 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 was referred to the Committee on Privileges and Elections.

He also presented a petition of the Commercial Law League of America of Philadelphia, Pa., praying for the enactment of legislation to promote the efficiency of the consular service; which was ordered to lie on the table.

He also presented petitions of the Mount Pleasant Woman's Christian Temperance Union, of Schenectady; of the Woman's Christian Temperance Union of Pleasant Plains; of the Woman's Christian Temperance Union of Cohocton; of the Woman's Christian Temperance Union of Mount Vernon; of the Woman's Christian Temperance Union of Hulburton; of the Woman's Christian Temperance Union of Katonah; of the Woman's Christian Temperance Union of Pulaski, and of the congregation of the First Presbyterian Church of Wolcott, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which were referred to the Committee on Military Affairs.

Mr. MALLORY presented a petition of the Emerson Memorial Home, of Ocala, Fla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

Mr. GAMBLE presented a petition of the Woman's Christian Temperance Union of Mitchell, S. Dak., praying for an investigation of the charges made and filed against Hon REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. CLARK of Montana presented a petition of the Montana Bar Association, of the State of Montana, praying for the enactment of legislation providing for the creation of an additional judicial circuit court of appeals to embrace the States of Wyoming, Colorado, Utah, Montana, and Idaho and the Territories of New Mexico, Arizona, and the Indian Territory; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Miles City, Mont., praying for the enactment of legislation regulating the hours of interstate transit for live stock; which was referred to the Committee on Interstate Commerce.

Mr. CARTER presented a petition of the Montana Bar Association, of the State of Montana, praying for the enactment of legislation providing for the establishment of a tenth judicial circuit court of appeals in that State; which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of the legislature of Nebraska, praying for the enactment of legislation to establish the true status of the Nebraska State Militia; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, *State of Nebraska:*

I, A. Galusha, secretary of state of the State of Nebraska, do hereby certify that the within is a full, true, and correct copy of the memorial and joint resolution (house roll No. 174) as passed by the legislature of 1905, and appears upon the records of this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska. Done at Lincoln this 28th day of October, in the year of our Lord one thousand nine hundred and five, of the independence of the United States the one hundred and thirtieth, and of this State the thirty-ninth.

[SEAL.]

A. GALUSHA, *Secretary of State,*
By FRED. W. MILLER, *Deputy.*

House roll 174—Memorial and joint resolution in relation to the Nebraska Territorial Militia.

Whereas the Fifty-seventh and Fifty-eighth Congress failed to pass any bill to establish the true status of the Nebraska Territorial Militia, who served ninety days in subduing the several raids and depredations of hostile Indians between 1862 and 1864 and were honorably discharged;

Whereas these volunteer soldiers were called and mustered into active service by our Territorial executive officers, appointed by the Federal Government, at a time when all its forces were engaged in the South suppressing the war of the rebellion;

Whereas the settlers of the border Territory, the overland mail, and the emigrants to the Rocky Mountain district were justly entitled to the fullest protection of the Government of the United States as against the unprovoked acts of marauding bands of Indians, its acknowledged wards: Be it

Resolved, That our Senators and Representatives in Congress be again requested to renew their best and earliest endeavors to procure the passage of an act similar to the one passed in February, 1895, giving the Missouri State Militia title to pension; and

Resolved, That the honorable secretary of the State of Nebraska be requested to forward a certified copy of this memorial to each of our Senators and Members of the Fifty-ninth Congress.

GEORGE L. ROUSE,
Speaker of the House of Representatives.

Attest:
JOHN WALL,
Chief Clerk of House of Representatives.

EDMUND G. MCGILTON,
President of the Senate.

Attest:
WM. M. WHEELER,
Secretary of Senate.

Approved April 1, 1905.

JOHN H. MICKEY, *Governor.*

STATE OF NEBRASKA, *ss:*

I, John Wall, chief clerk of the house of representatives, hereby certify that the within bill originated in the house and passed the legislature on the 30th day of March, 1905.

JOHN WALL,
Chief Clerk House of Representatives.

Secretary of state's office, Nebraska, received April 1, 1905.

Mr. BURKETT presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

Mr. SCOTT presented a petition of Chattahoochee Tribe, No. 35, of Winona, W. Va., and a petition of sundry citizens of Winona, W. Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Resolute Council, No 63, of Bayard; Center Point Council, No. 139, of Center Point, and of Wise Council, No. 185, of Wise, all of the Junior Order United American Mechanics, in the State of West Virginia, praying for the enactment of legislation to restrict immigration, and also for the revision of the laws governing naturalization; which were referred to the Committee on Immigration.

Mr. DEPEW presented a petition of the Merchants and Manufacturers' Board of Trade of New York City, N. Y., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a petition of the Indian Association of New York City, N. Y., and a petition of the National Indian Association, of New York City, N. Y., praying that an appropriation be made for the purchase of small holdings for the landless Indians of northern California; which were referred to the Committee on Indian Affairs.

He also presented petitions of Colonel Willett Council, of Rome; of Greenwich Council, No. 24, of Freeport; of Woodmere Council, No. 83, of Woodmere; of Central Council, No. 52, of Syracuse; of Brooklyn Council, No. 2, of Brooklyn; of Victory Council, No. 82, of Wappingers Falls; of General Warren Council, No. 46, of Brooklyn; of Atlantic Council, No. 24, of Long Island City, and of Richmond Council, No. 19, of Port Richmond, all of the Junior Order United American Mechanics; of Local Union No. 8856, of Middletown, and of Local Union No. 1586, of Mechanicsville, of the American Federation of Labor, and of Sherman Lodge, No. 143, Brotherhood of Railroad Trainmen, of East Syracuse, all in the State of New York, praying