

for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of Ohio Waisenfreund, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petitions of the Daily Times and the Record, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Mary E. Carpenter, of Adrian, Mich., favoring bill H. R. 9022—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles E. Greening, of Monroe, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of residents of Jersey City, N. J., favoring the metric system—to the Committee on Coinage, Weights, and Measures.

Also, papers to accompany bill H. R. 14498, for relief of Eliza Davidson—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: Petitions of the Herald, the Herald-Star, the Swift Company Monitor, the News, the Commercial, the Clara City Herald, the Journal, the Independent Press, the Record, the Gopher Press, the Journal, the Banner, and the Milan Standard, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of the Fountain Index, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of the Hope Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBBER: Petitions of the Butler Times and the Experiment, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEEKS: Petitions of the National Sportsman and the Brookline Press, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Local Union No. 709, of Brookline, Mass., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the National Business League, of Chicago, Ill., for passage of the Lodge bill (S. 1345)—to the Committee on Foreign Affairs.

By Mr. WEEMS: Petition of Bloomingdale Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of the Neosho Standard, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: Petition of the Advertiser, of Montgomery, Ala., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. YOUNG: Petitions of the Pioneer Tribune and the Courier-Record, against the tariff on linotype machines—to the Committee on Ways and Means.

## SENATE.

Monday, February 12, 1906.

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

The Journal of the proceedings of Friday last was read and approved.

### CARLISLE INDIAN SCHOOL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for inclusion in the urgent deficiency appropriation bill for the support of the Indian school at Carlisle, Pa., for transportation of pupils, etc., for the fiscal year ending June 30, 1906, \$3,500; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### NAVAL TRAINING STATION, RHODE ISLAND.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting an estimate of appropriation for inclusion in the urgent deficiency appropriation bill, \$100,000, for the erection of necessary detention buildings, shops, and appurtenances to replace those destroyed or damaged by fire at the Naval Training Station, Rhode Island; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### CARS IN RAILWAY MAIL SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 5th instant, certain information with respect to accidents involving loss of life or injury to postal clerks, etc.; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

### DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting a schedule of papers and documents not needed in the transaction of public business in the Post-Office Department, and which have no permanent value or historical interest; which was referred to the Select Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

### INVESTIGATIONS AT TESTING PLANTS AT ST. LOUIS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 25th ultimo, a letter from the Director of the Geological Survey, embodying a summary of the results obtained in the investigations under the Geological Survey of fuels and structural materials at the testing plants at St. Louis, Mo., and requesting that an appropriation of \$350,000 be made for that purpose; which, with the accompanying papers, was referred to the Committee on the Geological Survey, and ordered to be printed.

Mr. HEMENWAY. Mr. President, in view of the unusual demand for the printing of this document, I ask how many copies will be printed under the rule?

The VICE-PRESIDENT. There are 1,682 copies printed.

Mr. HEMENWAY. I ask that 4,000 additional copies be printed for the use of the Senate.

The VICE-PRESIDENT. The communication will be referred to the Committee on the Geological Survey and printed. The Senator from Indiana requests that 4,000 additional copies be printed for the use of the Senate.

Mr. HANSBROUGH. I suggest to the Senator from Indiana that he increase the number to 5,000 copies. There is going to be a very large demand for the document.

Mr. HEMENWAY. Very well, I will modify my request and ask that 5,000 additional copies be printed.

The VICE-PRESIDENT. The Senator from Indiana requests that 5,000 additional copies be printed for the use of the Senate. Is there objection?

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

Ordered, That 5,000 additional copies of the letter of the Secretary of the Interior, transmitting a letter from the Director of the Geological Survey, embodying a summary of the results obtained in the investigations under the Geological Survey of fuels and structural materials at the testing plants at St. Louis, Mo., be printed for the use of the Senate.

### KAIBAB INDIANS IN UTAH.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs calling attention to representations made concerning the condition of the Kaibab Indians in Utah, and requesting that an appropriation of \$10,000 be included in the Indian appropriation bill for that purpose; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

### INTERNATIONAL PRISON COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from Samuel J. Barrows, commissioner for the United States on the International Prison Commission, requesting that an index to the reports of the National Prison Association for the years 1870, 1873, 1874, and from 1883 to 1904 be published by Congress as one of the reports for the International Prison Commission; which, with the accompanying paper, was referred to the Committee on Printing, and ordered to be printed.

### ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Chief of the Bureau of Engraving and Printing submitting an estimate of additional appropriations for plate printing for the current fiscal year to meet the increase in the daily amount of unfinished notes, silver and gold certificates required by the Treasurer of the United States, and requesting that an appropriation of \$23,332.43 be inserted in the urgent deficiency appropriation bill for this purpose; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

## FRENCH SPOILIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brig *Jane*, Robert Knox, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

## FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mariane T. Lemelle, administratrix of the estate of Alexander Lemelle, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Barthelemy Lemelle, administrator of the estate of Euphemie Lemelle, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Mount Olivet Methodist Protestant Church, of Alexandria, Va., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

## EAST WASHINGTON HEIGHTS TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the report of the East Washington Heights Traction Railroad Company for the four months (September, October, November, and December) operated during the year 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

## WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the fiscal year ended December 31, 1905; which was referred to the Committee on the District of Columbia, 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, each with an amendment, in which it requested the concurrence of the Senate:

S. 943. An act granting an increase of pension to Oscar R. Arnold; and

S. 1098. An act granting an increase of pension to William J. Grow.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LITTAUER, Mr. TAWNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

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

H. R. 524. An act granting an increase of pension to Sylvanus A. Fay;

H. R. 628. An act granting a pension to David L. Finch;

H. R. 648. An act granting a pension to Charles Falbisaner;

H. R. 650. An act granting an increase of pension to Felix G. Stidger;

H. R. 1032. An act granting an increase of pension to Seth Phillips;

H. R. 1043. An act granting an increase of pension to Horace Hounsom;

H. R. 1160. An act granting an increase of pension to Eliza Swords;

H. R. 1200. An act granting an increase of pension to John G. Parker;

H. R. 1287. An act granting an increase of pension to John D. Moore;

H. R. 1359. An act granting an increase of pension to Henry M. Robinson;

H. R. 1483. An act granting an increase of pension to Josephine E. Quentin;

H. R. 1484. An act granting an increase of pension to John L. Lovell;

H. R. 1485. An act granting an increase of pension to Susan J. Williams;

H. R. 1509. An act granting a pension to Elizabeth Murray;

H. R. 1585. An act granting an increase of pension to George N. Dutcher;

H. R. 1658. An act granting an increase of pension to George M. Drake;

H. R. 1859. An act granting an increase of pension to George T. B. Carr;

H. R. 1888. An act granting an increase of pension to William T. Scandlyn;

H. R. 1889. An act granting an increase of pension to William M. Shultz;

H. R. 1902. An act granting an increase of pension to Gilbert Ford;

H. R. 1909. An act granting an increase of pension to Alexander Miller;

H. R. 1912. An act granting a pension to Julia A. Powell;

H. R. 1975. An act granting an increase of pension to William House;

H. R. 1978. An act granting an increase of pension to Harry C. Thorne;

H. R. 1979. An act granting an increase of pension to Amanda L. Hill;

H. R. 2048. An act granting an increase of pension to Joseph J. Cooper;

H. R. 2054. An act granting an increase of pension to Ralph A. Adams;

H. R. 2059. An act granting an increase of pension to Jerome Washburn;

H. R. 2093. An act granting a pension to Sarah A. Pitt;

H. R. 2099. An act granting a pension to Maurice O'Flanigan;

H. R. 2100. An act granting an increase of pension to Hiram Wilde;

H. R. 2108. An act granting a pension to Mattie Settlemire;

H. R. 2114. An act granting an increase of pension to Benjamin F. Bibb;

H. R. 2116. An act granting an increase of pension to Daniel Hayes;

H. R. 2156. An act granting an increase of pension to Rachel E. Ware;

H. R. 2174. An act granting an increase of pension to Nathaniel Buchanan;

H. R. 2204. An act granting an increase of pension to Dexter E. W. Stone;

H. R. 2306. An act granting an increase of pension to James W. Stell;

H. R. 2307. An act granting an increase of pension to Joseph Jones Martin;

H. R. 2478. An act granting an increase of pension to Asa M. Foote;

H. R. 2595. An act granting an increase of pension to Peter D. Sutton;

H. R. 2614. An act granting a pension to General M. Brown;

H. R. 2703. An act granting an increase of pension to Stephen Weeks;

H. R. 2709. An act granting an increase of pension to Julius D. Rogers;

H. R. 2762. An act granting an increase of pension to William Chandler;

H. R. 2823. An act granting an increase of pension to Orton D. Ford;

H. R. 2849. An act granting an increase of pension to Jesse Harrison;

H. R. 2897. An act granting an increase of pension to Rufus G. Childress;

H. R. 2949. An act granting an increase of pension to George W. Adamson;

H. R. 2954. An act granting an increase of pension to Chauncey P. Dean;

H. R. 3193. An act granting an increase of pension to James R. Todd;

H. R. 3220. An act granting an increase of pension to Sarah Johnson;

H. R. 3230. An act granting an increase of pension to James H. Beulen;

H. R. 3250. An act granting a pension to Harrison White;

H. R. 3315. An act granting an increase of pension to Lewis L. Dougherty;

H. R. 3342. An act granting an increase of pension to Albin L. Ingram;

H. R. 3403. An act granting an increase of pension to George A. Baker;



- H. R. 3425. An act granting an increase of pension to Warren A. Blye;  
 H. R. 3483. An act granting an increase of pension to Lemuel P. Williams;  
 H. R. 3500. An act granting an increase of pension to William M. Martin;  
 H. R. 3502. An act granting a pension to Morris Osborn;  
 H. R. 3544. An act granting an increase of pension to Josiah M. Grier;  
 H. R. 3552. An act granting an increase of pension to David F. McDonald;  
 H. R. 3570. An act granting an increase of pension to Susan Whorton;  
 H. R. 3571. An act granting an increase of pension to Eber Watson;  
 H. R. 3679. An act granting an increase of pension to Albert M. Hunter;  
 H. R. 3966. An act granting an increase of pension to Samuel Jester;  
 H. R. 3973. An act granting an increase of pension to Isaac P. Knight;  
 H. R. 3983. An act granting a pension to Blanche Douglass;  
 H. R. 4179. An act granting an increase of pension to Owen Donohoe;  
 H. R. 4192. An act granting an increase of pension to John C. Cavanaugh, alias John Carpenter;  
 H. R. 4202. An act granting an increase of pension to John C. Umstead;  
 H. R. 4206. An act granting an increase of pension to Isaac Henry Ober;  
 H. R. 4221. An act granting an increase of pension to William Foat;  
 H. R. 4246. An act granting an increase of pension to George D. Street;  
 H. R. 4258. An act granting a pension to Georgia A. Richardson;  
 H. R. 4403. An act granting a pension to John H. Pepper;  
 H. R. 4685. An act granting an increase of pension to Jacob Rich;  
 H. R. 4704. An act granting a pension to Alice Rourk;  
 H. R. 4741. An act granting an increase of pension to Stephen Dickerson;  
 H. R. 4751. An act granting an increase of pension to Joseph J. Sparling;  
 H. R. 4764. An act granting an increase of pension to Ahijah Brown;  
 H. R. 4878. An act granting an increase of pension to Isaac H. Witherwax;  
 H. R. 4886. An act granting an increase of pension to Marquis De Lafayette Burket;  
 H. R. 4957. An act granting an increase of pension to Elijah J. Snodgrass;  
 H. R. 4962. An act granting an increase of pension to William J. Sturgis;  
 H. R. 5028. An act granting an increase of pension to Samuel P. Carl;  
 H. R. 5163. An act granting an increase of pension to William U. Mallorie;  
 H. R. 5186. An act granting an increase of pension to Charles W. Fulton;  
 H. R. 5212. An act granting an increase of pension to Giles Q. Slocum;  
 H. R. 5605. An act granting an increase of pension to James S. Pelley;  
 H. R. 5640. An act granting an increase of pension to Abraham Mathews;  
 H. R. 5647. An act granting an increase of pension to Peter Wetterlich;  
 H. R. 5656. An act granting an increase of pension to Darius H. Randall;  
 H. R. 5658. An act granting an increase of pension to Joseph Nichols;  
 H. R. 5692. An act granting an increase of pension to Henry G. Gardner;  
 H. R. 5708. An act granting an increase of pension to Thomas T. Fallon;  
 H. R. 5711. An act granting a pension to Richard H. Kelly;  
 H. R. 5753. An act granting an increase of pension to Sallie H. Murphy;  
 H. R. 5830. An act granting an increase of pension to Sylvanus Hardy;  
 H. R. 5855. An act granting an increase of pension to Francis L. Brown;  
 H. R. 5909. An act granting an increase of pension to William H. Bynon;  
 H. R. 5938. An act granting an increase of pension to Edward J. McClaskey;  
 H. R. 6063. An act granting an increase of pension to Maria Dyer;  
 H. R. 6065. An act granting an increase of pension to Charles E. Crowe;  
 H. R. 6085. An act granting an increase of pension to Jacob C. Rardin;  
 H. R. 6098. An act granting an increase of pension to Sadie A. Walker;  
 H. R. 6109. An act granting an increase of pension to William H. Ackert;  
 H. R. 6115. An act granting an increase of pension to Edward Sarles;  
 H. R. 6117. An act granting an increase of pension to Elizabeth Dill;  
 H. R. 6133. An act granting an increase of pension to Mary Bagley;  
 H. R. 6137. An act granting an increase of pension to Henry S. Stowell;  
 H. R. 6178. An act granting an increase of pension to Carl W. Block;  
 H. R. 6180. An act granting an increase of pension to Amherst F. Graves;  
 H. R. 6226. An act granting an increase of pension to George Bruner;  
 H. R. 6340. An act granting an increase of pension to William D. Hatch;  
 H. R. 6385. An act granting an increase of pension to Henry Hastings;  
 H. R. 6398. An act granting an increase of pension to George W. Henry;  
 H. R. 6399. An act granting an increase of pension to David Hanna;  
 H. R. 6400. An act granting a pension to Harry W. Omo;  
 H. R. 6408. An act granting an increase of pension to Isaiah Queman;  
 H. R. 6489. An act granting a pension to Mary E. Scott;  
 H. R. 6494. An act granting an increase of pension to William Hughes;  
 H. R. 6507. An act granting an increase of pension to James M. Busby;  
 H. R. 6565. An act granting an increase of pension to Francis M. Hatter;  
 H. R. 6813. An act granting an increase of pension to Emsley Kinsauls;  
 H. R. 6873. An act granting an increase of pension to Charles A. Phillips;  
 H. R. 6913. An act granting an increase of pension to John Gibbons;  
 H. R. 7139. An act legalizing the removal of the county seat of Washita County, Okla.;  
 H. R. 7213. An act granting an increase of pension to Loucette E. Glavis;  
 H. R. 7222. An act granting an increase of pension to Levi J. Walton;  
 H. R. 7238. An act granting an increase of pension to William J. Campbell;  
 H. R. 7241. An act granting an increase of pension to Mary J. Allhands;  
 H. R. 7478. An act granting a pension to George W. Jackson;  
 H. R. 7525. An act granting an increase of pension to William K. Spencer;  
 H. R. 7546. An act granting a pension to Edna Buchanan;  
 H. R. 7622. An act granting an increase of pension to Hermann Lieb;  
 H. R. 7628. An act granting an increase of pension to Lorenzo D. Stoker;  
 H. R. 7649. An act granting an increase of pension to William Leipnitz;  
 H. R. 7711. An act granting an increase of pension to Samuel Dunnan;  
 H. R. 7721. An act granting an increase of pension to Daniel V. Lowary;  
 H. R. 7750. An act granting an increase of pension to Anton Riedmuller;  
 H. R. 7770. An act granting an increase of pension to Burgess Cole;  
 H. R. 7948. An act granting an increase of pension to James W. Reynolds, alias William Reynolds;  
 H. R. 7955. An act granting an increase of pension to Newton E. Terrill;  
 H. R. 7982. An act granting an increase of pension to Francis M. Kellogg;

- H. R. 8048. An act granting an increase of pension to William F. Bottoms;  
 H. R. 8061. An act granting an increase of pension to Heart Echard;  
 H. R. 8156. An act granting an increase of pension to Loren H. Howard;  
 H. R. 8169. An act granting an increase of pension to Eliza C. Jones;  
 H. R. 8202. An act granting an increase of pension to Henry Guy;  
 H. R. 8213. An act granting an increase of pension to William Monteith;  
 H. R. 8216. An act granting an increase of pension to Philipp Cline, alias Francis Klein;  
 H. R. 8233. An act granting an increase of pension to Charles A. Power;  
 H. R. 8251. An act granting an increase of pension to Abel S. Thompson;  
 H. R. 8302. An act granting an increase of pension to Maurice Hayes;  
 H. R. 8317. An act granting an increase of pension to Eliza Thompson;  
 H. R. 8376. An act granting an increase of pension to Mary J. McConnell;  
 H. R. 8406. An act granting an increase of pension to Susan W. Selfridge;  
 H. R. 8493. An act granting an increase of pension to Sallie F. Sheffield;  
 H. R. 8494. An act granting an increase of pension to David A. Jones;  
 H. R. 8520. An act granting an increase of pension to Alfred F. White;  
 H. R. 8541. An act granting an increase of pension to Edward H. Pinney;  
 H. R. 8556. An act granting an increase of pension to Ethan Blodgett;  
 H. R. 8562. An act granting an increase of pension to William Ostermann;  
 H. R. 8663. An act granting an increase of pension to Frederick A. Amende;  
 H. R. 8664. An act granting an increase of pension to Henry Wascher;  
 H. R. 8714. An act granting an increase of pension to George Gibson;  
 H. R. 8918. An act granting an increase of pension to Andrew J. Hull, alias Spencer J. Hull;  
 H. R. 8939. An act granting an increase of pension to Sarah A. Chauncey;  
 H. R. 8949. An act granting an increase of pension to Albert Richard Clark;  
 H. R. 9052. An act granting an increase of pension to Jonathan Wood;  
 H. R. 9059. An act granting an increase of pension to Ebenezer S. Edgerton;  
 H. R. 9065. An act granting an increase of pension to George G. Brall;  
 H. R. 9077. An act granting an increase of pension to Samuel Engle;  
 H. R. 9122. An act granting an increase of pension to Philander Bennett;  
 H. R. 9146. An act granting an increase of pension to Francis A. Jones;  
 H. R. 9209. An act granting an increase of pension to Stephen D. Cohen;  
 H. R. 9234. An act granting an increase of pension to William A. McDonald;  
 H. R. 9237. An act granting an increase of pension to Jacob Dachrodt;  
 H. R. 9279. An act granting an increase of pension to Patrick Curley;  
 H. R. 9351. An act granting an increase of pension to Marie G. Bonham;  
 H. R. 9405. An act granting an increase of pension to John Burns;  
 H. R. 9530. An act granting a pension to Catherine B. Casey;  
 H. R. 9567. An act granting an increase of pension to Henderson Rose;  
 H. R. 9593. An act granting a pension to Charles M. Priddy;  
 H. R. 9651. An act granting an increase of pension to Charles S. Word;  
 H. R. 9795. An act granting an increase of pension to Emory Edward Patch;  
 H. R. 9851. An act granting an increase of pension to William G. Richardson;  
 H. R. 9906. An act granting an increase of pension to Hinman Rhodes;  
 H. R. 9929. An act granting an increase of pension to Orlean De Witt;  
 H. R. 10175. An act granting an increase of pension to Matthew A. Knight;  
 H. R. 10216. An act granting an increase of pension to Hugh Longstaff;  
 H. R. 10256. An act granting an increase of pension to Daniel D. Diehl;  
 H. R. 10269. An act granting an increase of pension to Andrew Ricketts;  
 H. R. 10297. An act granting an increase of pension to Nicholas Hercherberger;  
 H. R. 10307. An act granting an increase of pension to Milton A. Saeger;  
 H. R. 10437. An act granting an increase of pension to Casper Yost;  
 H. R. 10476. An act granting a pension to Charles T. Hesler;  
 H. R. 10477. An act granting an increase of pension to James B. Babcock;  
 H. R. 10493. An act granting a pension to James Gallt;  
 H. R. 10564. An act granting an increase of pension to Levi N. Bodley;  
 H. R. 10632. An act granting an increase of pension to Samuel Preston;  
 H. R. 10637. An act granting an increase of pension to Levi I. Shipman;  
 H. R. 10677. An act granting a pension to Maria Elizabeth Posey;  
 H. R. 10720. An act granting an increase of pension to Joseph F. Caldwell;  
 H. R. 10741. An act granting an increase of pension to Thomas Clark;  
 H. R. 10770. An act granting a pension to Helen P. Martin;  
 H. R. 10775. An act granting a pension to Ellen S. Cushman;  
 H. R. 10789. An act granting a pension to David Wilborn;  
 H. R. 10807. An act granting an increase of pension to Jacob J. Long;  
 H. R. 10883. An act granting an increase of pension to William Lee;  
 H. R. 10886. An act granting an increase of pension to Martha S. Campbell;  
 H. R. 10914. An act granting an increase of pension to John Hamilton;  
 H. R. 10925. An act granting an increase of pension to Isaac C. Dennis;  
 H. R. 10954. An act granting an increase of pension to Letitia D. Watkins;  
 H. R. 10967. An act granting a pension to George Larson;  
 H. R. 10969. An act granting an increase of pension to Calaway G. Tucker;  
 H. R. 11000. An act granting an increase of pension to Martha J. Wilson;  
 H. R. 11051. An act granting a pension to Henry T. McDowell;  
 H. R. 11061. An act granting an increase of pension to Reanna Pile;  
 H. R. 11070. An act granting an increase of pension to Fitch Spoor;  
 H. R. 11101. An act granting an increase of pension to Andrew J. Baker;  
 H. R. 11105. An act granting an increase of pension to Michael Comer;  
 H. R. 11122. An act granting an increase of pension to John Hopper;  
 H. R. 11132. An act granting an increase of pension to Horace E. Lydy;  
 H. R. 11145. An act granting an increase of pension to Melvin J. Lee;  
 H. R. 11205. An act granting an increase of pension to Jeremiah Spice;  
 H. R. 11297. An act granting a pension to David McGinnis;  
 H. R. 11320. An act granting an increase of pension to Adam Cook;  
 H. R. 11343. An act granting an increase of pension to Enoch Bolen;  
 H. R. 11353. An act granting an increase of pension to Isaac M. Woodworth;  
 H. R. 11416. An act granting an increase of pension to Lizzie Belk;  
 H. R. 11561. An act granting an increase of pension to Egbert P. Shetter;  
 H. R. 11654. An act granting a pension to Emma A. Smith;  
 H. R. 11657. An act granting a pension to Madison M. Burnett;  
 H. R. 11658. An act granting an increase of pension to Gould E. Utter;



H. R. 11672. An act granting an increase of pension to Franklin J. Fellows;  
 H. R. 11724. An act granting an increase of pension to John A. Conley;  
 H. R. 11745. An act granting an increase of pension to James D. Billingsley;  
 H. R. 11748. An act granting an increase of pension to James Wilson;  
 H. R. 11777. An act granting an increase of pension to Manson B. Scott;  
 H. R. 11808. An act granting an increase of pension to Webster Thomas;  
 H. R. 11842. An act granting an increase of pension to James M. Noble;  
 H. R. 11846. An act granting a pension to Clara M. Thompson;  
 H. R. 11908. An act granting an increase of pension to Stephen V. Sturtevant;  
 H. R. 11916. An act granting an increase of pension to Edward L. Kimball;  
 H. R. 12008. An act granting an increase of pension to James D. Blanding;  
 H. R. 12016. An act granting an increase of pension to James Cassaday;  
 H. R. 12027. An act granting an increase of pension to Nathan C. Bradley;  
 H. R. 12038. An act granting an increase of pension to Charles H. Burleigh;  
 H. R. 12102. An act granting an increase of pension to Wilhelmina Healey;  
 H. R. 12156. An act granting an increase of pension to Edwin Billing;  
 H. R. 12285. An act granting a pension to Mary C. Kirkland;  
 H. R. 12289. An act granting an increase of pension to Joseph C. Grissom;  
 H. R. 12290. An act granting an increase of pension to David L. Kretsinger;  
 H. R. 12297. An act granting a pension to Estelle Kuhn;  
 H. R. 12384. An act granting an increase of pension to Andrew Dunning;  
 H. R. 12388. An act granting an increase of pension to Harvey T. Dunn;  
 H. R. 12391. An act granting an increase of pension to J. Frederick Edgell;  
 H. R. 12506. An act granting an increase of pension to John T. Howell;  
 H. R. 12507. An act granting an increase of pension to George W. Collier;  
 H. R. 12510. An act granting an increase of pension to John McWhorter;  
 H. R. 12516. An act granting a pension to James S. Randall;  
 H. R. 12583. An act granting an increase of pension to Elizabeth L. H. Labatt;  
 H. R. 12640. An act granting an increase of pension to Augustus Walker;  
 H. R. 12713. An act granting an increase of pension to Augustus F. Bradbury;  
 H. R. 12720. An act granting a pension to Sarah Duffield;  
 H. R. 12754. An act granting an increase of pension to William B. Eversole;  
 H. R. 12837. An act granting an increase of pension to Martha Miller;  
 H. R. 12839. An act granting an increase of pension to Kathryn G. Hayt;  
 H. R. 12903. An act granting an increase of pension to Daniel T. Ferrier;  
 H. R. 12937. An act granting an increase of pension to James Hoover;  
 H. R. 12948. An act granting an increase of pension to Frederick Bierley;  
 H. R. 12955. An act granting a pension to Lyman Critchfield, jr;  
 H. R. 13010. An act granting an increase of pension to Alice B. Hartshorne;  
 H. R. 13037. An act granting an increase of pension to Elizabeth Jane Kearney;  
 H. R. 13050. An act granting an increase of pension to William G. Crockett;  
 H. R. 13078. An act granting an increase of pension to Elizabeth F. Partin;  
 H. R. 13084. An act granting an increase of pension to William Dixon;  
 H. R. 13104. An act to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905;

H. R. 13129. An act granting an increase of pension to Pinkney W. H. Lee;  
 H. R. 13141. An act granting an increase of pension to William A. Southworth;  
 H. R. 13282. An act granting a pension to Lydia B. Bevan;  
 H. R. 13348. An act granting an increase of pension to Nancy F. Shelton;  
 H. R. 13402. An act granting a pension to John Reynolds;  
 H. R. 13456. An act for the relief of James McKenzie;  
 H. R. 13457. An act granting an increase of pension to William M. McCay;  
 H. R. 13512. An act granting a pension to John H. McLean;  
 H. R. 13536. An act granting an increase of pension to Peter Cline;  
 H. R. 13542. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture;  
 H. R. 13579. An act granting an increase of pension to Amon Miller;  
 H. R. 13582. An act granting an increase of pension to James Sutherland;  
 H. R. 13611. An act granting an increase of pension to William Clough; and  
 H. R. 13643. An act granting an increase of pension to Davis W. Hatch.

Subsequently the foregoing House pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the California Fruit Growers' Exchange, of Los Angeles, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen, of Indianapolis, Ind., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Bryn Mawr Orange Growers' Association, of Redlands, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Aldermen of Boston, Mass., praying for the enactment of legislation to establish a national telegraph to be operated as a branch of the Post-Office Department; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented the petition of S. C. Williams, of Rochester, N. Y., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented the petition of G. W. Nichols and sundry other subscribers to the stock of the People's United States Bank, of St. Louis, Mo., residing at Holley, N. Y., praying for an investigation of the fraud-order business which caused the destruction of that bank; which was referred to the Committee on Finance.

He also presented memorials of Local Union No. 283, of Geneva; of Local Union No. 106, of Ogdensburg; of Local Union No. 142, of Lockport, all of the Cigarmakers' International Union of America, and of Central Labor Union, American Federation of Labor, of Brooklyn, all in the State of New York, 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. MILLARD presented sundry memorials of citizens of Nebraska, remonstrating against the enactment of legislation providing for a reduction of railroad rates; which were referred to the Committee on Interstate Commerce.

Mr. PILES presented a petition of the Sailors' Union of the Pacific, of Seattle, Wash., praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

Mr. WETMORE presented petitions of the Organization of Kings' Daughters, of sundry citizens, of the Woman's Christian Temperance Union, and Parish Aid Society, all of Newport, in the State of Rhode Island, 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 Woman's Christian Temperance Union of Portsmouth, of sundry citizens of Newport, of the Woman's Christian Union and Parish Aid Society of Newport, and of the Organization of the King's Daughters of Newport, all in the State of Rhode Island, praying for the enact-

ment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on Interstate Commerce.

Mr. KEAN presented the petition of Fred. J. Miller, of East Orange, N. J., praying for the enactment of legislation providing for the adoption of the metric system in the various Departments of the Government; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a memorial of Local Union No. 101, Cigar-makers' International Union of America, of Elizabeth, N. J., 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 petition of the State Grange, Patrons of Husbandry, of Mullica Hill, N. J., praying for the enactment of legislation to remove the duty on grain alcohol used for industrial purposes; which was referred to the Committee on Finance.

He also presented a petition of the pure-food committee of the State Federation of Women's Clubs, of Asbury Park, N. J., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of sundry citizens of Jersey City, N. J., praying for the enactment of legislation to establish the Naval Militia and to define its relation to the General Government; which was referred to the Committee on Naval Affairs.

He also presented a petition of the board of agriculture of Union County, N. J., praying that increased appropriations be made for the support of State agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of Samuel V. Hoffman, of Morristown, N. J., remonstrating against the enactment of legislation extending the time for the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented the petition of C. E. Eaton, of Orange, N. J., praying for the enactment of legislation to establish a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Children's Protective Alliance of the State of New Jersey, praying for the enactment of legislation to establish a children's bureau in the Department of Commerce and Labor; which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of General Washington Council, No. 49, Junior Order United American Mechanics, of Fresno, Cal., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the California State Federation of Labor, of San Francisco, Cal., praying for the enactment of legislation providing for the adjustment of the claim of the ship keepers of the Mare Island Navy-Yard; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to appropriate, for a period of twenty years, 75 per cent of the internal and customs receipts from the Territory of Hawaii as a special fund to be expended in Hawaii for Territorial and Federal purposes; which was referred to the Committee on Finance.

He also presented a memorial of the California State Federation of Labor, of San Francisco, Cal., 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 petition of the Outdoor Art League Department of the California Club, of San Francisco, Cal., praying for the enactment of legislation granting to the State of California 5 per cent of the net proceeds of all the cash sales of public lands within that State, etc.; which was referred to the Committee on Public Lands.

He also presented a memorial of the Sailors' Union of the Pacific and a memorial of the San Francisco Labor Council, in the State of California, remonstrating against the enactment of legislation relating to the complement of crews of vessels; which were referred to the Committee on Commerce.

He also presented a petition of the California State Federation of Labor, of San Francisco, Cal., praying for the enactment of legislation to increase the compensation of surfmen and keepers sufficient to retain the efficient men in the service and secure a better class of recruits; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of San

Bernardino, Cal., praying for the enactment of legislation to secure the ownership of private lands within the San Bernardino Forest Reservation, in that State; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the American Civic Association, of Santa Barbara, Cal., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER presented a petition of sundry citizens of West Derry, N. H., praying for an investigation of existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Norman, Hobart, Helsel, and Lexington, all in the Territory of Oklahoma, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

Mr. HANSBROUGH presented a petition of sundry citizens of New York, praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented the petition of George W. Urlson, of Minot, S. Dak., praying for the enactment of legislation for the removal of the tariff on composing and linotype machines and parts thereof; which was referred to the Committee on Finance.

Mr. HEMENWAY presented a petition of the National Society of Colonial Dames of America, of Indianapolis, Ind., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Fidelity Lodge, No. 109, Brotherhood of Railroad Trainmen, of Logansport, Ind., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of members of the Home Guards of Indiana, praying that they be granted remuneration for their services to the United States in Indiana during the war of the rebellion; which was referred to the Committee on Military Affairs.

He also presented a petition of Hamilton Council, No. 8, Junior Order United American Mechanics, of Noblesville, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Retail Lumber Dealers' Association of Indiana, praying for the removal of the duty on white pine and rough lumber imported from Canada; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York, praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a petition of the professors and students of St. Meinrad College, St. Meinrad, Ind., praying for the repeal of the present tariff on all works of art imported for use in churches and educational institutions; which was referred to the Committee on Finance.

Mr. NELSON presented a memorial of Local Union No. 7, Cigar Makers' International Union of America, of Minneapolis, Minn., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a petition of Flour City Lodge, No. 494, Brotherhood of Locomotive Engineers, of Minneapolis, Minn., praying for the enactment of the so-called "employers' liability bill;" which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented a petition of the North Carolina Society of Colonial Dames of America, of Wilmington, N. C., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Chamber of Commerce of Wilmington, N. C., praying that an appropriation be made for the erection of a public building for the United States court, custom-house, and other maritime branches of the public service in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Chamber of Commerce and Industry, of Raleigh, N. C., praying for the enactment of legislation to provide a world market commission to consider ways



and means for enlarging the export in cotton products and other manufactures of the United States; which was referred to the Committee on Commerce.

He also presented a petition of Local Division No. 431, Order of Railway Conductors, of Greensboro, N. C., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Councils Nos. 112, 162, 3, 11, 58, 136, 75, 33, 178, 89, 66, 3, 1, of Rutherfordton, Vance, Glencoe, Stoneville, Roanoke Rapids, Kenly, Morrisville, Roberdel, Ashpole, Virgin Springs, Graham, Walkertown, and Raleigh, all of the Junior Order of 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.

Mr. McENERY presented sundry papers to accompany the bill (S. 2528) for the relief of Mary E. Barrow; which were referred to the Committee on Claims.

Mr. SCOTT presented a petition of Local Grange No. 59, Patrons of Husbandry, of Sinks Grove, W. Va., praying for the passage of the so-called "pure-food bill," the parcels-post bill, for the retention of the tax on oleomargarine, and also that an appropriation be made for the construction of national roads; which was ordered to lie on the table.

Mr. CLAY presented a memorial of Atlanta Lodge, No. 354, Brotherhood of Railway Carmen, of Atlanta, Ga., remonstrating against the passage of the so-called "railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented a petition of the National Board of Trade, praying for the enactment of legislation providing Government control of interstate insurance; which was referred to the Committee on the Judiciary.

He also presented petitions of the United Lodge, No. 174, Brotherhood of Railroad Trainmen, of Altoona; of the Order of Railway Conductors, of Pittston; of Quaker City Lodge, No. 149, Brotherhood of Railway Trainmen, of Philadelphia, and of Local Lodge No. 85, Brotherhood of Railway Trainmen, of Easton, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation to amend the Chinese-exclusion law by excepting from its provisions Chinese students, business and professional men, merchants, bankers, doctors, professors, and travelers, but rigidly enforcing that portion of the law prohibiting the admission of Chinese laborers; which was referred to the Committee on Immigration.

He also presented a petition of the National Board of Trade, praying for the passage of the so-called "railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented a petition of the congregation of Trinity Church, of New Britain, Conn., 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.

Mr. SPOONER presented a petition of sundry citizens of Ripon and Racine, in the State of Wisconsin, praying for an investigation of existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. BULKELEY presented petitions of 20 members of The Other Club, of the Connecticut Federation of Women's Clubs, of Danbury, Conn., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

Mr. FRYE presented a petition of the Maine State Grange, praying for the removal of the internal-revenue tax from alcohol rendered unfit for use as a beverage; which was referred to the Committee on Finance.

He also presented a petition of Kennebec Lodge, No. 343, Brotherhood of Railroad Trainmen, of Waterville, Me., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Kennebec Lodge, No. 343, Brotherhood of Railroad Trainmen, of Waterville, Me., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Lake Seamen's Union, praying for the adoption of certain amendments to the so-called "ship subsidy bill;" which was referred to the Committee on Commerce.

Mr. KNOX presented a petition of the Pennsylvania Dairy Union, praying that an appropriation be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 355, Cigar

Makers' International Union of America, of Honesdale, Pa., remonstrating against the reduction of the duty on cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a memorial of the Young Woman's Christian Temperance Union, of Pittsburgh, Pa., remonstrating against the repeal of the present anticaneen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of New York, praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a petition of sundry clergymen of Wilkes-Barre, Pa., praying for the enactment of legislation to prevent gambling by interstate telegraphs and telephones; which was referred to the Committee on the Judiciary.

He also presented petitions of Lodge No. 337, Brotherhood of Railroad Trainmen, of Sayre; Lodge 610, Brotherhood of Railroad Trainmen, of Norristown; Lodge No. 42, Brotherhood of Railroad Trainmen, of Harrisburg; Nicholas Division, No. 229, Order of Railway Conductors, of Reading; Dubois City Lodge, No. 557, Brotherhood of Locomotive Firemen, of Dubois; Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen, of Pittsburgh; Youghiogheny Lodge, No. 302, Brotherhood of Locomotive Firemen, of Connellsville; Lodge No. 149, Order of Railroad Trainmen, of Philadelphia; Enterprise Lodge, No. 75, Brotherhood of Locomotive Firemen, of West Philadelphia; United Lodge, No. 174, Brotherhood of Railroad Trainmen, of Altoona; Division No. 65, Order of Railway Conductors, of Pittston, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of May Flower Council, Junior Order United American Mechanics, of Derry; Yough Council, No. 132, Junior Order United American Mechanics, of Morgan Station; D. E. Wyatt, of Connellsville; Ernest Krause, of Connellsville; Iron Molders' Union No. 216, of Wilkes-Barre; Council No. 313, Order United American Mechanics, of Minola; Waynesboro Council, Junior Order United American Mechanics, of Waynesboro; Walter Frank, of Pittsburgh; Jesse B. Orbin, of Bradford; H. G. Colbert, of Dawson; B. S. Forsythe, of Dawson; Daniel Webster Council, Junior Order United American Mechanics, of Johnstown; L. L. Parkhill, of Dawson; Tatamy Council, No. 159, Order United American Mechanics, of Easton, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Laurel Hill Grange, No. 1161, Patrons of Husbandry, of Milan; Summit Grange, No. 1153, of Summit; Burrell Grange, No. 515, Patrons of Husbandry, of Kelly Valley, and Union Grange, No. 1017, Patrons of Husbandry, of Charleston, all in the State of Pennsylvania, praying for the enactment of legislation to enable the farmers of the United States to use untaxed denatured alcohol as a motor fuel in farm engines and for heating, light, and cooking purposes; which were referred to the Committee on Finance.

He also presented petitions of F. E. Lincoln, of Philadelphia; Hanna E. Neill, of Bradford; Fannie Mueller, of Bradford; Nellie A. Fonda, of Bradford; Duncan R. Mackenzie, of Oil City; Etta Emerson, of Beach Lake; Charles S. Carter, of West Chester; Miller M. Boyd, of Westtown; Young Woman's Christian Temperance Union of Pittsburgh; Thomas S. Mellor, of West Chester; Charles Forsythe, of Chadds Ford; William Carter, of Chadds Ford; W. S. Clark, of Bradford; M. L. Ross, of Dilworthtown; Union Methodist Church, of Allegheny; Samuel Jamison, of West Chester; Woman's Christian Temperance Union of Lebanon; Janet M. Haywood, of Media; Charles M. Davey, of Beach Lake; F. J. Emerson, of Beach Lake; T. R. Barnes, of Beach Lake; E. B. Dickinson, of Beach Lake; R. B. Davey, of Beach Lake; Olive J. Barnes, of Beach Lake; Judson Davey, of Beach Lake; Wallace J. Barnes, of Beach Lake; Henry H. Van Gorder, of Beach Lake; J. Owen Oliver, of Beach Lake; and of sundry clergymen of Wilkes-Barre, all in the State of Pennsylvania, 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 Germantown Chapter, Daughters of the American Revolution, of Germantown; Civic Betterment Association of Germantown; Tabitha Neithercott, of Philadelphia; Carl Barba, of Philadelphia; the Ephoc Club, of Pittsburgh; the Towanda Historical Club, of Towanda; R. L. Glose, of Philadelphia; Emma H. Richut, of Chestnut Hill; the Woman's Club of Sewickley Valley, of Sewickley; Dr. H. G. Carmalt, of Pittsburgh; Hazel Rusling, of Philadelphia, and

Edith M. Tevitmyer, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Second United Presbyterian Church of Wilkesburg; Congregational Church of Susquehanna; First Presbyterian Church of Montrose; Woman's Christian Temperance Union of Susquehanna; Bridgewater Baptist Church, of Montrose; Methodist Church of Susquehanna; Holy Name of Mary Church, of Montrose, and Presbyterian Church of Honeybrook, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Christian Endeavor Society, Wakefield Presbyterian Church, of Philadelphia; Home Missionary Society, Methodist Episcopal Church of Tarentum; Mrs. Joseph S. Dodds, of Pittsburg; Levina Y. Meyers, of Pittsburg; John L. Cox, of Philadelphia, and of Oscar H. Alles, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented memorials of Alexander Young Company, of Philadelphia; Edward Trainer, of Philadelphia; Otto Frey, of Pittsburg; Thompson Distilling Company, of Pittsburg; Wolf, Siessel & Co., of Pittsburg; Louis J. Adler & Co., of Pittsburg; Roskam, Gerstley & Co., of Philadelphia; William Mulherin Sons, of Philadelphia; Schwartz, Strauss & Co., of Philadelphia, and Emil Cauffman & Co., of Philadelphia, all in the State of Pennsylvania, remonstrating against the clause in the so-called "pure-food bill" requiring formula to be printed on packages containing blended liquor; which were ordered to lie on the table.

He also presented the petitions of E. M. Mellor, of Germantown; J. A. Cuerten, of Philadelphia; H. W. Decius, of Philadelphia; R. E. Gill, of Philadelphia; Edward Pennoek, of Philadelphia; M. Lewis, of Philadelphia; M. Maukre, of Philadelphia; H. D. Weaver, of Philadelphia; H. H. Cresson, of Germantown, and L. J. Hutchinson, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation granting separate statehood to the Indian Territory; which were ordered to lie on the table.

Mr. McCUMBER presented a memorial of the North Dakota Retail Hardware Dealers' Association, remonstrating against the adoption of proposed changes in the classification of third and fourth class postal matter, and also against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

#### PURE-FOOD BILL.

Mr. McCUMBER. I present resolutions of the American Baking Powder Association in support of the pure-food bill. I only desire in presenting the memorial to call attention to the fact that of all the food manufactures that have been attacked most viciously perhaps not one has been so viciously and so persistently attacked as the product of the American Baking Powder Association. Unlike many of those who are manufacturing foods, this association are desirous of being protected by a pure-food law, feeling certain that their product will answer every requirement.

I ask that the memorial be referred to the appropriate committee and that it be printed in the RECORD.

The VICE-PRESIDENT. The bill is before the Senate.

Mr. McCUMBER. Let it lie on the table, then.

There being no objection, the memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

Whereas the American Baking Powder Association, composed of those manufacturers of baking powder using basic aluminic sulphate as an ingredient of their powders, representing 85 per cent of the total baking powder sold throughout the United States, desiring to place itself unequivocally on record as in favor of a national pure-food law, herewith submits resolutions unanimously passed by it, tendering its cooperation and support to the pure-food movement in general and urging the passage of a stringent pure-food law, which shall, in its provisions, regulate the manufacture and sale of baking powders.

Resolved, That it is the sense of the American Baking Powder Association, composed of manufacturers and representing 85 per cent of the production and sale of baking powders throughout the United States, that it most heartily indorses the movement in Congress for a national pure-food law and urges the members of the United States Senate and the House of Representatives of the United States to enact into law one of the measures now pending.

Resolved further, That as this association has given its unqualified indorsement for several years to the bill introduced by Senator McCUMBER in the United States Senate and to the bill introduced by Representative HEPBURN in the House of Representatives, that it hereby specifically urges the passage of either of these measures; and

Resolved further, That the president and secretary of the American

Baking Powder Association be instructed to transmit to Senator McCUMBER and Representative HEPBURN copies of these resolutions, that they may become a part of the public records.

AMERICAN BAKING POWDER ASSOCIATION.

CHAS. E. JAKES, President.

A. CRESSY MORRISON,

Secretary-Treasurer.

[SEAL.]

Mr. McCUMBER. I present a memorial of the Commissioners of Agriculture of the Cotton States, assembled at Richmond, Va., November 26, 1905, urging on the United States Senate the importance of taking up for consideration and passing at the present session a pure-food bill. I ask unanimous consent, as it is very short, that it be read, and that it lie on the table.

Mr. HALE. Let it be printed in the RECORD without reading.

Mr. McCUMBER. If there is objection, of course I will not ask that it be read.

There being no objection, the memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

Memorial to the United States Senate.

To the Senate of the United States in Congress assembled:

Whereas at a meeting of the commissioners of agriculture of the cotton States, held in Richmond, Va., November 26, 1905, a resolution was passed appointing a committee to draft a memorial to the Senate of the United States respectfully urging upon that honorable body the importance of taking up for consideration and passage at its present session the Hepburn pure-food bill, now pending before it;

Therefore in compliance with the terms of this resolution, the committee does most respectfully urge upon your august body the importance to the people of the whole country of your early consideration of this long delayed but highly important measure. We do most earnestly memorialize you that it is the sense not only of the convention which we directly represent, but also of the great majority of the people of the cotton States, represented by their commissioners of agriculture, that the passage of this bill, or some similar legislation, is most urgently needed; that the delay and refusal of Congress to enact such legislation up to date, after long and thorough investigation, operates by way of example as a bar to the passage of pure-food legislation by those States having no actively enforced laws, and affords argument to the interested opponents of such legislation.

That the adulterator, protected by the failure of Congress to act, securely plies his trade by manufacturing his dishonest wares in one State and shipping in original packages into other States;

That meanwhile the consuming public is suffering not only by reason of the frauds perpetrated on their purses, but also in health by the substitution of the impure for the pure;

That the standard of commercial honesty is lowered and that the business of honest traders, merchants, manufacturers, and producers is threatened and in many cases ruined by the unscrupulous and unprincipled competition of the adulterator;

That the growth and development of many young and promising agricultural industries, such as the milk, butter, cheese, sirup, honey, and fruit industries in the Southern States are seriously retarded and hampered by dishonest competition and lack of protective legislation.

Praying that your honorable body may lend an attentive hearing to this our memorial, we most respectfully subscribe ourselves,

JNO. M. McCANDLESS,  
State Chemist of Georgia,

R. E. ROSE,  
State Chemist of Florida,

B. W. KILGORE,  
State Chemist of North Carolina,

E. W. MAGRUDER,  
State Chemist of Virginia,  
Committee.

#### PROTEST AGAINST UNION OF ARIZONA WITH NEW MEXICO.

Mr. PATTERSON. There was a commission of twenty or more persons appointed by the Territory of Arizona to visit Washington to do what they could to prevent the passage of the bill to unite Arizona to New Mexico for statehood. That commission has prepared a memorial to the Senate upon the subject, which is short, and I hope that the memorial may be read. Also a statement of facts in connection with the status of Arizona accompanies the memorial. I should like to have both the memorial and the statement printed in the RECORD, and published as a Senate document for the information of Senators in connection with the bill for the creation of the new States.

Mr. HALE. The Senator from Colorado does not ask that they be read?

Mr. PATTERSON. I should like to have the memorial read, which is short.

Mr. HALE. And the other paper is to be printed without reading?

Mr. PATTERSON. Yes; I simply ask that the short memorial may be read.

Mr. HALE. Very well.

Mr. PATTERSON. There are only twenty-odd names attached to the memorial. I trust the names will be printed with the memorial in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered. There being no objection, the memorial was read, as follows:

A memorial to the United States Senate from delegates from Arizona in Washington opposing the bill for the union of Arizona and New Mexico in a single State.

To the Senate of the United States:

As the delegates of the people of Arizona, coming to Washington from all sections of our Territory as the chosen representatives of a loyal American people to express their earnest and determined opposition to the proposed union with New Mexico, we respectfully submit



the following reasons for the unalterable opposition of the citizens of Arizona to this unjust measure, which we believe violates the very principles of the Constitution:

First. The opposition of at least 95 per cent of the people of Arizona as proved by the written protests of nearly every social, religious, political, and business organization within our Territory, and the petitions of protest signed by many thousands of our citizens.

Second. The promise by Congress in the enabling act that the autonomy of Arizona should be preserved.

Third. The decided racial differences between the people of Arizona and the large majority of the people of New Mexico, who are not only different in race and largely in language, but have entirely different customs, laws, and ideals, and would have but little prospect of successful amalgamation.

Fourth. The radical and irreconcilable differences in laws, legal customs, and procedure of the two Territories.

Fifth. The fact of unquestioned proof that Arizona is developing most rapidly and substantially both in resources and population, the permanency and high character of its population, and the certainty that through the development of its great natural resources and the immense benefit to be derived from the Government irrigation works now under actual construction within its borders that Arizona will eventually reach such proportions both in resources and population as will warrant Congress in urging its admission to the Union as an independent State.

Sixth. A dual set of excellent public buildings existing throughout both Territories, the value of which would be largely destroyed by the proposed merger.

Seventh. The unwieldy size of the proposed joint State, and consequent great expense in conducting a State government, and the rugged and volcanic character of a large portion of the country existing between the settled communities of the two Territories.

Eighth. The exceeding difficulty of a proper adjustment of the debts of the two Territories, certain counties in New Mexico being practically bankrupt and their securities at a great discount, while Arizona's securities, Territorial, county, and municipal, are well above par and of the highest character.

Ninth. The objection by the people of Arizona, 95 per cent of whom are Americans, to the probability of the control of public affairs by people of a different race, many of whom do not speak the English language and who outnumber the people of Arizona two to one, while the assessed valuation of Arizona exceeds that of New Mexico by over 33 1/3 per cent.

In view of the foregoing reasons we request that the joint statehood bill now before the Senate be amended by striking out of the bill all reference to Arizona. If, however, an expression at the polls is deemed desirable and necessary, we urge that the bill be amended to provide that before the holding of the constitutional convention the question of joint statehood, free from any other issue, be submitted to the qualified voters of Arizona and New Mexico, voting separately at a special election called for that purpose only, to be held on the same day in both Territories, and unless approved by a majority of the qualified voters of each Territory no constitutional convention for the purpose of creating a joint State shall be held.

Respectfully submitted.

Dwight B. Heard, Phoenix, Ariz., Irrigation farming and investment securities; Roy S. Goodrich, Phoenix, Ariz., attorney; James J. Riggs, Dos Cabezas, stockman; Alfred Quetu, Prescott, Catholic pastor; W. S. Sturges, Pima County, cattleman; Lee Crandall, Globe, miner; D. J. Brannen, Flagstaff, physician; George French, Nogales, attorney; W. H. Brophy, Bisbee, banker; L. R. Pintie, Douglas, banker; B. H. Packard, Naco, live stock and agriculture; Edgar S. Campbell, Prescott, mining; A. J. Doran, Prescott, mining; Frank R. Stewart, Prescott, Daily Journal Miner; Robt. E. Moss, Prescott, lawyer; B. A. Fowler, Phoenix, rancher; Harvey M. Shields, by D. B. H., Bisbee, Episcopal clergyman; Eugene Brady O'Neill, by D. B. H., Phoenix, lawyer; A. J. Chandler, Mesa, irrigation.

The VICE-PRESIDENT. The Senator from Colorado requests that a certain statement of fact accompanying the memorial just read be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Reasons in detail why Arizona should not be associated with New Mexico in statehood, proposed and submitted by delegates from Arizona and to accompany their memorial.

After more than forty years of existence as an independent Territory, Arizona is now confronted with the prospect of the destruction of autonomy and the loss of her identity by being forced into joint statehood with New Mexico; this in the face of the promise of Congress made in 1863, that Arizona should eventually be admitted as a State on her own application. The people of Arizona are unalterably opposed to joint statehood. We prefer to remain inhabitants of a Territory for all time rather than be annexed to New Mexico. We earnestly desire statehood, but not as provided in the present bill.

We have redeemed this fair land from the Apache and the desert at a great sacrifice of life and labor, and we believe our wishes should be considered.

Arizona has a population that is intelligent, patriotic, and sincerely devoted to the Constitution and the principles of liberty as set forth in the Declaration of Independence, the peers of any people under the flag.

Herewith we present reasons why our cause is just and why we should be permitted to work out our own destiny and not be compelled to accept jointure as proposed by the bill now under consideration by the Congress.

#### OPPOSITION OF THE PEOPLE OF ARIZONA TO THE PROPOSED JOINTURE WITH NEW MEXICO.

The people of Arizona are practically unanimous in their opposition to joint statehood with New Mexico, and the numerous protests now before Congress of nearly every organization within the Territory of Arizona and the protesting petitions signed by thousands of Arizona's people are certainly conclusive proof of the determined opposition of the people of Arizona to the proposed jointure.

A list of some of the many petitions of protest which have been presented to Congress on this subject is appended hereto.

A most interesting and clear expression of the intense feeling of the people of Arizona on this question occurred at the last day of the

Annual Territorial Fair, held at Phoenix December 30, 1905. The low rates made by the railroads had brought all classes of people to the fair grounds from every section of the Territory, and the grand stand, holding over 3,000 persons, was packed with a thoroughly representative crowd of Arizonians. In order to ascertain what the real sentiment of these people was on the subject of joint statehood a short resolution protesting against the joint statehood bill was read through a megaphone, and all who were opposed to joint statehood were asked to rise. The grand stand rose as one man. In order to learn whether the above action was merely a temporary sentiment or the expressions of the real feeling of the people, fifty men, who had volunteered for the purpose, passed through the grand stand with petitions reciting the opposition of our people to joint statehood. This petition within thirty minutes was signed by over 3,100 persons and has already been presented to Congress. All those circulating this petition kept a careful poll of persons who refused to sign. Every person in the crowd was approached, and the poll shows that less than 2 per cent of those to whom the petition was presented failed to sign the same.

We therefore believe that we are perfectly safe in saying that the 98 per cent who signed the petition fairly reflects the sentiment of the people of Arizona on this question.

The feeling of our people on this subject was shown again by the result of the circulation on the streets of Phoenix, January 3 and 4, by one of the members of our delegation, of a petition of protest, which has also been presented to Congress.

In the two days referred to 1,200 signatures to the petition were secured, and a careful poll kept of those who refused to sign shows but seven names. Of the fifty-three newspapers published in Arizona, all but four are opposed to joint statehood.

Arizona is not asking Congress for statehood. She is asking only to be left alone, with an opportunity to work out her own destiny within her own boundaries and with her well-organized American institutions. Inspired by those courageous American ideals which have made the winning of the West possible, the people of Arizona have no fear of the future.

#### CHARACTER OF ARIZONA'S POPULATION.

Arizona's population is distinctly American, composed of people from all parts of the United States and the best type of immigrants from other countries. Their ideals of social conditions, Christian civilization, modern progress, and future development are of the highest. The census of 1900 shows the percentage of white illiterates, including Mexicans, to be but 6.2. Seventy-five per cent of our teachers are graduates of higher institutions of learning. One reason for this gratifying condition is that our teachers are paid higher salaries than in any State in the Union. County school teachers receive \$75 per month or more. Arizona spends more per capita on her public schools than any State except Texas.

Kindergarten and manual-training schools are found in all parts of the Territory. Our common schools are graded and there are high schools in every city in the Territory. Our two normal schools, the Territorial University, and the Catholic Academy are well patronized, and under the careful, conscientious, and efficient instruction of an excellent corps of professors and assistants. We also have many prosperous schools of music and art and business colleges. The Government maintains a number of Indian schools, one of which, at Phoenix, is second largest in the country. Our industrial schools and penitentiary are under efficient management.

The Territorial teachers' convention, held in December, 1905, attended by more than 200 teachers, voted unanimously against joint statehood with New Mexico.

The following table illustrates the splendid growth in educational facilities:

	1895.	1905.	Increase in ten years.
School census.....	15,201	29,290	Per cent. 92.6
Schools.....	219	523	139.2
Teachers.....	314	538	121.3
Expenditures.....	\$201,357.80	\$533,668.19	165
Properties.....	\$414,447.00	\$925,033.00	123
Bonded indebtedness.....		\$425,407.83	-----
Excess value of property over indebtedness.....	\$414,447.00	\$499,625.17	-----
Total expenditures, 1895 to 1904, inclusive.....		\$3,557,784.11	-----

Our churches—Catholic, Protestant, and Jewish—have as conscientious, zealous, and intelligent workers, clerical and lay, as are found in towns and cities of equal population in any section of the country. A deep interest is taken by their ministers and religious members in the intellectual and social development of the people—in fact, society is as highly organized as in any eastern community.

Attention is directed to the following figures, taken from the report of the governor of Arizona, just issued:

	1895.	1905.	Increase.
Churches.....	103	171	Per cent. 66
Preachers.....	111	254	128.8
Members.....	11,562	47,622	311
Sunday-school scholars.....	6,147	22,124	259
Properties.....	\$394,900	\$936,732	57

#### MINING.

Mining is one of the great and rapidly developing industries of our Territory. There is but one county in the whole Territory that does not produce mineral in paying quantities. We in Arizona have demonstrated that our ore bodies are continuous and increase in value with the greater depths obtained, showing that the life of our mines, and especially of the copper mines, to be almost limitless. Many of the copper mines have from fifty to seventy-five years' work in sight. To give an idea of the progress that has been made during the past decade, we refer briefly to the production of copper during that period. In 1894 we produced in Arizona 44,514,594 pounds of copper. In 1905

the production of copper had increased to 241,400,000 pounds, which, at the present value of copper, is worth \$40,000,000, an increase of 600 per cent in eleven years. There is not a State or Territory in the Union that can show so large a percentage of increase. It is safe to assert that within the next five years Arizona will produce more refined copper than any other State or Territory in the Union, and copper mining in Arizona may be said to be still in its infancy, although we are even now second in production. We produce annually approximately \$5,000,000 in gold and about \$1,500,000 in silver; thus we have for 1905 a production, in round numbers, of over \$45,000,000 of precious and useful metals. This does not include about one-half a million a year which we receive for lead, zinc, tungsten, onyx, asbestos, platinum, and other minerals which have not as yet been developed as they will be in the near future.

We submit, in comparison with the above statement, the production of New Mexico for the year 1904, which shows their high-water mark in the production of these minerals: Copper, 5,366,666 pounds; gold, \$381,930; silver, \$124,103. It is unnecessary to comment on this comparison. It can readily be seen that it is a splendid proposition for New Mexico to absorb the Territory of Arizona.

In the operation of the mines of Arizona and the reduction of ores all modern appliances and methods are employed. The miner is a skilled laborer and commands wages ranging from \$3 to \$4.50 for eight hours' labor. He is generally married, with a fixed domicile, and belongs to our best class of citizens. A very large proportion of the miners own their homes.

The mining camp of to-day exists only in remote regions. We now have mining cities. For example, one of them, Bisbee, within the next five years will rival Butte City, Mont., in population and wealth. Its population in 1900 was 7,000; to-day it is over 15,000.

As an indication of the permanency of these mining cities, such as Bisbee, Douglas, Prescott, Morenci, Clifton, Globe, Jerome, and others, the history of the towns in the lake copper regions of Michigan can be referred to, which history shows that deposits of copper will produce for long periods of time. The early lumber buildings are being replaced by substantial and handsome structures of brick and stone.

#### AGRICULTURE AND IRRIGATION.

The development of agriculture by irrigation in the valleys of Arizona is one of the wonders of the West; a quarter of a million acres are now cultivated within the territory, served by many canals, whose combined length is 1,776 miles. New canals are in course of construction wherever water is available for irrigation, and this is but the beginning of Arizona's irrigation development, for, in addition to the water at present diverted for irrigation, the United States Government, under the wise provisions of the national reclamation act in constructing in Arizona two immense storage reservoirs, one near Phoenix, for the benefit of the wonderfully fertile lands of the Salt River Valley, and the other near Yuma, for the benefit of lands along the Colorado River Valley, largely in Arizona, which, when completed, will add immensely to the cultivated area of the Territory, and as there are millions of acres of magnificent land lying under these projects, no one can tell, as more economical and scientific methods of irrigation are employed, what proportions the irrigated area may reach.

The following extract from a recent statement by the Director of the Geological Survey gives some idea of the certainty of our great growth in this direction:

#### Irrigation in Arizona, 1902.

Source of water supply.	Number of farms irrigated.	Number of acres irrigated.
<b>Streams:</b>		
Colorado River and tributaries, exclusive of Little Colorado River and tributaries and Gila River and tributaries.	274	10,661
Little Colorado River and tributaries.	456	11,776
Gila River and tributaries, exclusive of Salt River and tributaries.	1,609	80,448
Salt River and tributaries.	1,293	138,810
White River and tributaries.	6	384
<b>Other sources:</b>		
Springs.	41	1,061
Wells.	128	4,110
<b>All sources.</b>	<b>3,867</b>	<b>247,250</b>

Statement made by the Director of the Geological Survey, in January, 1906, shows as follows:

"The Reclamation Service has under consideration a number of projects in Arizona, upon two of which actual construction has commenced. They are as follows:

"Salt River project, which will increase the irrigated area in Salt River Valley by 100,000 acres; Colorado River projects, 300,000 acres; Little Colorado, 80,000 acres; Upper Gila, 40,000 acres; San Pedro, 20,000 acres, or a total of 530,000 acres.

"Recent investigations indicate the possibility of extending irrigation in the plateau regions of the north and elsewhere by pumping to cover approximately 100,000 acres more.

"It is also believed that dry farming can be extended over certain areas of the plateau region to cover many thousand acres, but no estimate can at this time be given as to the extent.

As shown by the above estimates, it seems reasonable within the next generation to bring about irrigation in Arizona of a total of 887,000 acres, or more than three times as much land as is now irrigated.

"Comparisons of the present irrigated areas with the areas to be irrigated under the reclamation act are subject to qualification, on account of several important considerations. The areas now under irrigation are in most cases dependent upon a precarious water supply, and the lands produce only a portion of the products which will be grown with a complete water supply. Under the projects constructed in pursuance of the reclamation act an ample water supply will be available, making it possible for a larger number of people to make a satisfactory living upon corresponding areas. All of the areas reclaimed under the national reclamation act will be in small farm units, thus materially increasing the number of families. There are in the more densely settled parts of the country localities where the irrigated lands support a person to the acre."

It will be observed from the foregoing that nearly a million acres

will be highly cultivated in Arizona with the known water supply by irrigation alone—nearly as much land as lies within the entire State of Delaware.

The fact that the climate of the principal valleys of Arizona is such that crops can be grown continuously the whole year under a system of water storage, with a soil of great depth and richness and continuously fertilized by nitrogenous silt from the mountains, makes it possible to maintain a large population on a comparatively small area. When the storage reservoir near Phoenix is completed, it is conservatively estimated that the Salt River Valley will have an intensively cultivated irrigated area of over 200,000 acres—larger than all the irrigated land in southern California south of Tehachapi Pass, which supports such populous cities as Los Angeles, San Diego, Pasadena, Redlands, and Riverside. The great variety and character of the crops, many of which can be grown only in a limited area in the United States, makes these irrigated lands highly desirable to the best class of home seekers. Not only the staple crops of wheat, barley, rye, potatoes, corn, and alfalfa (of which six crops can be produced in one year) and most of the deciduous fruits are grown, but the semitropical fruits—such as lemons, oranges, figs, pomegranates, dates, olives, and grape fruit—are grown with marked success.

The Arizona oranges being first in the New York market, bring double the price of the California oranges and have won first premium at the California midwinter fair. The early cantaloupes grow most prolifically, whole fields having averaged as high as \$500 per acre in one season. Sugar beets grow to perfection and have a high percentage of sugar. On account of the dry atmospheric conditions the beets kept well in the ground for many months, making it possible for a factory to operate almost continually. A 1,000-ton beet-sugar factory is already being constructed near Phoenix and others are contemplated. Many flour mills of the most modern equipment are in operation in all the irrigated sections, furnishing an excellent quality of flour, which is shipped throughout the Territory.

The great diversity of crops in our irrigated valleys makes possible a very large population to the square mile. In some portions of the Salt River Valley to-day, with an unregulated water supply, twenty-five to thirty families to the square mile are being supported, and through more intensive cultivation, which will be possible when the Government storage works are in operation, the number of persons to the square mile will be greatly increased. The rapidly growing mining cities and towns in the mountains of the Territory furnish a convenient and ample market for the agricultural products of the valleys. Dairying is one of the growing industries, and in the Salt River Valley alone six creameries are in operation with a daily output of nearly 3,000 pounds of butter. Honey of the highest quality is also produced in great quantities, the honey association of one valley having shipped thirty carloads last year. The raising of poultry and eggs is another rapidly growing industry, the demand being far in advance of the supply.

It is practically impossible to get an accurate estimate of the annual agricultural production of the Territory. Its value certainly reaches many millions and is steadily increasing.

In addition to the surface water, which, as above estimated, will supply 1,000,000 acres of land, there are large lakes of water beneath the surface of the ground. This statement is not made on speculation, but is based on the facts as determined by borings made in several valleys and reported by the Geological Survey in a recent report, and to-day thousands of acres in Arizona are in successful cultivation through the application of water pumped from these underground sources. A comparatively small part of the water that falls upon the mountain side is carried away in the surface streams. It flows largely beneath the ground and finally percolates into the lower plains, which in many cases are surrounded by mountains, thus forming natural reservoirs. In all the far-reaching plains the soil is of great depth and fertility, beneath which is an impervious stratum of cemented clay which holds the water under pressure. When this is cut through, the water rises sometimes to the surface in flowing wells and in almost all cases to within 15 to 50 feet of the surface. This water is raised by centrifugal pumps operated either by steam or electrical power generated in the mountains. It is impossible to estimate the area that can be irrigated by this method, but speaking conservatively it has already been determined that in some of Arizona's valleys from 20,000 to 50,000 acres can thus be reclaimed, and it is fair to presume that of all the hundreds of valleys and plains in Arizona, with their many millions of acres, the irrigated area can and will be vastly increased from this source.

In addition to the land that can be irrigated, there is a large area which can be farmed without irrigation. This has gone beyond the experimental stages in Kansas, Nebraska, Colorado, Wyoming, and Texas, where the rainfall is no greater than in a large area of northeastern and southeastern Arizona. Successful experiments in dry farming in Arizona have already been made, where large orchards are located in the north, of the finest grades of apples, which find a market reaching even to London.

#### COMMERCIAL AND BANKING DEVELOPMENT.

In treating this subject the statistics are not available except in relation to the banking interests. We are, therefore, obliged to rely upon our general knowledge of merchandise in Arizona to place an estimate upon the stocks of merchandise carried and the volume of business transacted per annum. In the past five years the growth of Arizona from a purely commercial standpoint has been the wonder of the entire West. The attention of northern and eastern capitalists has been drawn to her resources, especially her undeveloped mining lands, and the investments of large sums of capital in the mining regions and the successful development of paying properties has stimulated the merchandise and banking interests in a marvelous manner. It is not alone the development of the mines that has caused this prosperous condition, but of our stock raising, agricultural, and horticultural resources, which bring in a steady stream of home seekers of a very desirable class, who find the soil of Arizona extraordinarily productive.

As an example of wonderful growth in business lines, in 1901 in one of our mining cities there was only one bank, with a capital of \$25,000. To-day there are three banks, the combined capital and surplus of which amount to \$320,000 and with deposits of \$2,350,000. In this one town there are thirty-six prosperous merchants, whose stock of goods total \$1,000,000, and whose annual sales exceed \$4,000,000. But one failure has occurred within the past three years.

Some years ago the representatives of eastern manufacturers and jobbing concerns on their semiannual visits to the Pacific slope rarely stopped at Arizona points, but now they consider the trade of these places such a valuable acquisition that they call at every town of



Importance in the Territory and carry away with them large orders that formerly went to Pacific coast houses. The modern department store has made its appearance, and buildings, the cost of which range from \$50,000 to \$150,000, have been erected at Morenci, Bisbee, Douglas, Tucson, Phoenix, Prescott, and Flagstaff, and stocks of merchandise embracing endless variety give a selection that vies with similar establishments in the large cities of the Eastern States.

As stated before, it is very difficult to get at the exact amount of money invested in merchandise by the merchants of Arizona, but a conservative estimate would place the figures at \$12,000,000, with sales of at least \$30,000,000 per annum. According to the report of the governor of Arizona for the year 1905, there are eleven national banks and eighteen Territorial banks in the Territory, having a combined capital and surplus of \$2,122,675, and showing individual deposits of \$10,000,000. These banks carry a cash reserve of about 40 per cent of their deposits. The governor's figures are taken from the banks' statements issued as of June 30, 1905, since which date have been made heavy increases in deposits and accumulation of surplus. To-day the individual deposits will total at least \$12,000,000 and the capital and surplus reach \$2,250,000. Only one bank failure has occurred in Arizona during the past ten years, and that was for a very small amount. The stability and careful management of the banking institutions of the Territory is a fact of which its citizens are proud.

#### THE LIVE-STOCK INTEREST OF THE TERRITORY.

By a careful calculation of statistics obtained from the Government's annual report for 1905, the census numeration, and other evidence at hand, a very close estimate can be made of numbers, and from market reports values are readily obtained. There are of cattle in the Territory 750,000 head, valued at \$16 per head, making \$12,050,000. Of horses, 25,000 head, at \$40 per head, making \$1,000,000. Of sheep, 1,000,000 head, valued at \$3 per head, \$3,000,000. Of goats, 75,000 head, valued at \$2.75, making \$206,250. These values are at least conservative, for of the 70,000 sold and removed from the Territory in 1905 the average price was \$3.75 per 100 pounds gross weight f. o. b. at point of shipment, and it is reasonable to suppose those consumed in the Territory, about 60,000 in number, were in value about equal to those sold to go out of the Territory. So that it is safe to say that the 130,000 head of cattle disposed of during the year 1905 brought, in round numbers, \$4,810,000.

The cattle and sheep, and, in fact, all stock are largely produced from the ranges. The cattle, however, are taken from the ranges to alfalfa fields of the different valleys for finishing. Alfalfa grown in Arizona, according to the reports of the Government experimental station, has fattening qualities exceeding that raised in any other section. It is a well-known fact that one ton of Arizona-raised alfalfa is worth two tons of that raised in Kansas or in California as a beef producer. Our finished animals are fitted for any market in the world, and some of these fancy export beefs have been fattened in Arizona on alfalfa alone. The plan is to take the cattle from the range in the fall of the year, after having put on all the flesh possible by grazing on the native grasses, then place them in the alfalfa pastures for a reasonable time, and under ordinarily favorable conditions, from two to four months, feeding prepares an animal for the market.

The grade or class of stock in Arizona compares favorably with the best of any State. At the first annual Territorial fair, held at Phoenix in December, 1905, our live-stock display would have been a credit to any community, and was highly complimented by numerous stock judges of the Middle West. Bulls and heifers were exhibited that had taken premiums at other State exhibits. As good sheep and hogs as could be found in any State were on exhibition. The horse, jack, and mule exhibit was particularly good, there being some of the most renowned harness stallions and mares present. In the heavy-horse exhibit a stallion, a blue-ribbon winner at the Royal Stock Show at Kansas City, held there in October, was a prominent feature of the exhibit, besides other good ones of great quality, and mares in the exhibit that were second to none in the United States.

A St. Louis first-prize senior champion jack, together with other prize-winning jacks, was on exhibition, and a class of young mules that would do credit to any State fair in the United States, and all the property of resident Arizonians and now in service. Fine Hereford and Durham bulls, the product of the best breeders, are steadily being brought into the Territory for the improvement of the cattle on the range, while high-grade Jersey, Holstein, and Galloway bulls are being brought in for the improvement of the valley cattle. The possibilities of this industry in Arizona can not be computed, for with Government control of the ranges, which is now being considered by the Department of Agriculture and the Department of the Interior, and the plan for which is being acquiesced in by the Arizona range owners, will make it possible for a man to lease at a nominal price the range he occupies, and the stockman will improve his holdings by fencing and developing water, thereby making it possible to raise three animals where only one is now produced.

It has been repeatedly asserted that "the opposition of the cattlemen of Arizona to joint statehood is prompted by the desire to retain control of the vast open ranges in this country." That this proposition is absolutely false is proven by reference to the resolutions passed against joint statehood by the Cattle Growers' Association, and to page 14 of Bulletin No. 62, entitled "Grazing on the Public Lands," recently issued by the Department of Agriculture, wherein it will be seen that 90 per cent of the cattlemen of Arizona are in favor of Government control of the ranges under reasonable regulations.

This, together with the increased production of alfalfa and grains of every description after the installation of the Government reservoirs and canals, will make Arizona one of the greatest stock-producing States in the Union.

#### LIVE-STOCK SANITARY CONDITIONS.

The general sanitary and health conditions of the live stock of the Territory has been excellent, due to the stringent laws that are in force and the efficient manner in which they have been administered. This branch of the work is in the hands of a Territorial live-stock sanitary board. No outbreaks of any contagious diseases have occurred, and isolated cases that have been discovered and promptly dealt with have been traced to outside sources. Under the regulations in force all importations of live stock are subject to inspection by the Territorial veterinarian when, in his opinion, such inspection is necessary, and a complete history of the live stock imported is at all times available for reference. Owing to the statutory safeguards that have been provided, Arizona is practically free from the stringent Federal restrictions placed on nearly all the range States and Territories.

#### SHEEP RAISING.

Climatic conditions and topography of the country make the raising of sheep in Arizona one of the most profitable of industries. They are handled in bands of 1,000 to 3,000, which graze on the mountains in summer and the valleys in winter. The annual increase is over 100 per cent and disease in the flocks is practically unknown. The freedom with which sheep roam and the excellent nutritious grasses upon which they live make a quality of mutton which far surpasses that found in the East and commands the highest market price. Nearly all the men engaged in raising sheep have doubled the money invested by the profits of the last three years. Much attention is given to breeding, and practical results are shown in increase of size, weight, and the length and quality of the wool. Fully 1,000,000 sheep, producing 5,000,000 pounds of wool annually, worth, at prevailing prices, \$1,000,000, are grazing on Arizona's ranges. In no part of our country is the business of raising sheep more inviting and successful than in the Territory of Arizona, or those engaged in it more desirable as citizens.

In addition to cattle, horses, and sheep, Arizona is noted for its ostrich farms. Several are now in successful operation, one farm having over 1,100 birds under fence. This industry is developing along most satisfactory lines commercially and promises to be one of the successful industries of the Territory.

#### TIMBER RESOURCES.

The vastness of the timber lands of Arizona can better be appreciated when it is known that Arizona has one of the largest unbroken forests in the world, comprising a total acreage of 23,726,000, nearly one-third of the Territory, an area larger than Connecticut, Delaware, New Hampshire, and New Jersey combined. About one-half of this can not be classed as saw timber, but is equally valuable for fuel; being mostly cedar, juniper, and scrub oak. Seven million two hundred and forty-two thousand one hundred and seventy acres are in Government forest reserves (nine in number) and the greater part of the remaining acreage is at the present time withdrawn from entry, and known as the "Proposed Rio Verde Forest Reserve." Much of this timber is now inaccessible by reason of the lack of railroad facilities. The production of lumber on an extensive scale is confined to two lumber companies operating at Flagstaff and Williams, Ariz. The total production for the year ending June 30, 1905, amounted to 57,500,000 feet. There is a great demand for our lumber which is increasing from year to year by reason of the depletion of the white-pine forests in the lumber States of the East, and it is only a question of a very few years when Arizona will be recognized as one of the greatest lumber-producing States or Territories in the Union.

#### MANUFACTURING AND ITS POSSIBILITIES.

Arizona has a magnificent future in the line of manufacturing development. Throughout the entire Territory are found large and valuable deposits of iron, copper, and all kinds of building stone, including onyx, granite, marble, tufa, and sandstone. This development will undoubtedly be brought about by the utilization for power purposes of the waters that flow in the various streams and rivers of the Territory. In the northern part of Arizona the Colorado River flows through a tremendous chasm over a mile deep. All along the river are found rapids, and in a great many places it is practicable to develop water power and generate electricity. Unlimited power can be derived by this means and transmitted to the mines, the lumber mills, the quarries, and can also be used on the mesa and table-lands for pumping water for agricultural purposes. In California electricity developed from mountain streams is transmitted 250 miles. Throughout the Territory are numerous natural dam sites where the waters can be impounded and utilized for the purpose of generating electricity. At the junction of the Salt River and Tonto Creek the Reclamation Service of the United States Government is now engaged in the construction of the great Tonto dam. Five thousand horsepower is here being developed, and this will be multiplied many times as it is brought down into the Salt River Valley.

This power can be used for the purpose of manufacturing our enormous wool clip, the products of our forests, and in completing the manufacture of the output of our large copper mines. With the coming of transportation facilities it can truthfully be said that Arizona, solely by means of the utilization of her streams and impounded waters, can be made a great manufacturing and industrial section of the United States, the raw material being found there in unlimited quantities.

#### TRANSPORTATION.

Arizona has within her borders 1,230 miles of railroads, the Southern Pacific traversing the Territory in the south from east to west and the Santa Fe system in the north. From these two great lines radiate many small feeders. This furnishes transportation to most points in the Territory. Several new lines of railroad are now in actual course of construction. In many of the cities we have electric street railroads. In three of our cities new electric systems are being built and will be completed during the year. Our county roads are the pride of Arizona, and furnish a means of transportation in all parts of the Territory. Hundreds of thousands of dollars have been and are being spent on roads to the mines, and Territorial appropriations for large sums have been made to aid in building public roads and bridges.

#### PUBLIC INSTITUTIONS.

The Territory has an asylum for the insane, located at Phoenix, on a site containing about 160 acres of good farming land, which is mainly cultivated by the inmates of the institution. The buildings are spacious, well adapted for the purposes intended, and cost the people of the Territory about a quarter of a million dollars. Everything is done that can be done for the care and maintenance of the unfortunate inmates.

An industrial school, located at Benson, was erected at a cost of about \$100,000, and is maintained for the care of incorrigible youth.

The Territory maintains a prison at Yuma, which has cost nearly half a million dollars, and is conducted upon the most approved lines for the government of such an institution.

The Territorial capitol at Phoenix, erected entirely at the cost of the Territory, in architectural beauty and general appointments compares very favorably with the capitols of many of the States. The surrounding grounds are beautiful and well kept. All our public buildings are well designed and adapted for the purposes intended and a source of public pride. What will become of these under joint statehood?

#### GEOGRAPHICAL REASONS AGAINST JOINTURE.

Arizona and New Mexico together have an area of over 235,000 square miles, more than five times the area of New England. From Phoenix, near the center of Arizona, to Santa Fe, the capital of the

proposed new State, by rail is 651 miles. It costs \$30 and requires twenty-eight hours to get there. From Yuma, Ariz., to Santa Fe is 791 miles, costs \$40.25, and requires thirty-two hours to make the trip. (See Appendix for other comparisons.)

Hogback mountain ranges separate most of the settled communities of Arizona from those of New Mexico. The Continental Divide lies in New Mexico, some distance east of the Arizona boundary. The rivers flowing west of it cut through deep canyons, while the general character of the surface of the country becomes more rugged as it rises toward the west. On the Arizona side of these mountains there is an abrupt drop of from one to several thousand feet over titanic cliffs formed by huge tilted blocks. This formation extends north from Steins Pass, where the Southern Pacific crosses in the south, nearly to the Santa Fe in the north, and between those two railroads it is impracticable ever to build a railroad which will shorten the distance and time between Arizona and New Mexico points.

It is unnecessary to dwell on the inconveniences and expense of carrying on a State government under such physical disadvantages with our system of political conventions, State legislatures, etc.

#### OBJECTION TO JOINT STATEHOOD—CONSTITUTION PROVISIONS.

The Constitution of the United States, Article IV, section 3, provides:

"New States may be admitted by the Congress into the Union, but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned as well as of the Congress."

The principles herein enunciated will be violated in uniting the two Territories of New Mexico and Arizona as one State without their consent.

#### CONGRESSIONAL PROMISE FOR SEPARATE STATEHOOD FOR ARIZONA.

The organic act creating the Territory of Arizona, passed by the Congress during Lincoln's Administration, February 24, 1863, provided:

"That said government shall be maintained and continued until such time as the people residing in said Territory shall apply for and obtain admission as a State on an equal footing with the other States."

It is admitted that the Congress would have undoubtedly right to change the boundaries of Arizona as a Territory, but we insist that in all justice and fairness the provision of the organic act just quoted was a promise to our people, when they applied for statehood, to be permitted to come in as a separate and independent State on equal footing with the other States. With this promise in their minds, the people then in the Territory, and those who have gone there since, have wrested Arizona from the control of the savage Apache and have also redeemed tens of thousands of acres from the desert by irrigation; have built up a splendid American population of about 175,000, developed wonderful mining and agricultural resources, and the promise made in 1863 should be kept by Congress to the extent of leaving Arizona alone and permitting her to remain at this time a Territory within her present boundaries. Arizona is not applying at this time for admission as a State.

#### COURTS OF NEW MEXICO CONDUCTED THROUGH SPANISH INTERPRETERS.

In the counties of New Mexico where the centers of population are, the native people of that Territory are of Spanish descent and more than one-half of these people do not speak and understand the English language. In accordance with the jury system in New Mexico, persons who do not speak and understand English are permitted to act as jurors, and because of this the necessity for Spanish interpreters is apparent and the courts in those counties are so conducted, and when a jury case is on every word that is spoken must be translated.

#### SPANISH INTERPRETER IN THE LEGISLATURE OF NEW MEXICO.

The rule is that the majority of members of legislatures in New Mexico are from the "native" people and the Spanish interpreter is always one of the officers in both houses of the legislature, made necessary because many of the members do not speak and understand the English language.

#### NEW MEXICO STATUTES.

The statutes of New Mexico are published in the same volume in English and Spanish for the convenience of these people.

#### DIFFERENCE IN ELECTION LAWS.

Arizona has a primary election law and the Australian system of balloting; New Mexico has not.

#### DIFFERENCE IN LAWS.

In Arizona we have a code which has its source in the common law. In New Mexico the statutes, to a great extent, are derived from the civil law. This is necessarily so because a majority of the people living in that Territory are descendants from the Spaniards and are accustomed to the laws and usage prevailing in old Mexico and Spain.

#### ARIZONA JURY SYSTEM.

In our Territory before a person is qualified to act as a juror, either grand or trial, he must speak and understand the English language. This is a statutory provision. In New Mexico there is no such limitation, and, as heretofore stated, persons who do not understand and speak the English language can rightfully sit upon juries. In Arizona no interpreter is used except as in any other part of the United States, when a witness is on the stand and he can not speak English. Arizona's courts are conducted entirely in English. The qualifications for jurors above mentioned should apply to all districts and counties of the proposed new State. In other words, there must be general legislation on this subject. Not for a moment is it to be hoped that this idea will prevail. The native people would not consent and thus deprive themselves of the right of sitting on juries. We submit that it would be special legislation only which would give the Mexicans a continuance of their right to act as jurors, and special legislation would doubtless be prohibited by the constitution of the proposed State.

#### NEW MEXICO WILL CONTROL THE CONSTITUTIONAL CONVENTION.

According to the provisions of the Hamilton bill, in the constitutional convention New Mexico would have sixty-six members and Arizona only forty-four. It will readily appear that the native people of New Mexico, desirous of protecting the rights and privileges which have been theirs for so many years, will see to it that the members of this convention from New Mexico will stand for only such legislation as will continue these special privileges, and the fear of the people of

Arizona is that the conditions above mentioned will be continued in the new State. This would destroy our present system of laws and procedure and cause us to meet conditions which it will be admitted are not such as tend to a development of our present system in Arizona. These suggestions of differences existing are not made with a desire or intent of disparaging or condemning the "native" population of New Mexico. Many of these native people who are now in the country known as "New Mexico" were there when it was cut off from the mother country—old Mexico—by the treaty of Guadalupe-Hidalgo, and were brought within the boundaries of the United States without their consent, and they are entitled to have their customs and rights, as they now exist, protected and not be disfranchised because they do not speak and understand the English language; but the people of Arizona should not be placed in a position where they will be subjected to such conditions.

#### DIFFICULTY OF ADJUSTMENT OF DEBTS.

Certain counties of New Mexico, because of their large indebtedness and small amount of taxable property, are practically bankrupt and their securities at a great discount. Arizona's securities, Territorial, county, and municipal, are well above par and of the highest character. Because of this state of affairs serious financial complications must necessarily arise if joint statehood is established.

#### TAXATION.

**Railroads.**—We wish here to emphatically deny the charges which have been made that a corrupt mining and railroad lobby is in Washington endeavoring to defeat joint statehood. The members of this delegation have come here representing the people of Arizona, paying their own expenses, and under no obligations of any character to any particular class in Arizona, with the honest and legitimate object in view of presenting to Congress the reasons why the jointure of these two Territories should not be effected. The condition of assessed valuation of mines and railroads has been given a very prominent place in discussion. We submit that the same difficulties are encountered in securing a proper assessment in Arizona as in other parts of the United States. So far as the railroads are concerned, we suggest this statement, and it is corroborated by the figures in the remarks of Mr. LLOYD, of Missouri, in the House upon the consideration of the Hamilton bill this week, page 1553, CONGRESSIONAL RECORD. The amount of taxes paid by the railroads in Arizona in 1904 was \$135 per mile; in Texas, \$110 per mile. Hundreds of miles of the Santa Fe Railroad in Arizona pay a tax of \$175 per mile under an act of Congress. Continuing to quote from Mr. LLOYD's statement, on the same page (1553 of CONGRESSIONAL RECORD):

"According to Poor's Railway Manual, 1905, there are 213,828 miles of railways, worth \$15,422,873,305. They paid last year \$54,325,856 for taxes in the United States, or \$254 per mile." These figures indicate that while our Territory is not receiving as much revenue from its railroads as it should, it has received, when real value is considered, about as much as is paid in the States of the Union.

**Mines.**—The proper assessment of mines has always been a subject for serious contemplation. It is not possible to place the assessed valuation on a mine the same as on a lot in Washington, D. C. It is admitted for the sake of argument that the assessed valuation of mines in Arizona is too low. The difficulty is to discover and enforce an equitable method of assessment. This is true in New Mexico, and is likewise true in States east of the Mississippi. In 1901 the mines in Arizona were assessed at less than \$2,000,000; in 1904 they were assessed at \$4,440,000; in 1905, at \$5,325,000, and increased by the Territorial board of equalization to \$14,440,000. It is suggested that by joining Arizona with New Mexico this evil in the assessment of mines will be corrected, and this, too, when, according to the report of the governor of New Mexico, that Territory has \$38,500,000 invested in mines, with an output last year of over \$5,000,000, and not one dollar of this mining property is assessed. If it is true as alleged that the mine owners control these elected officers under a Territorial form of government, is it not also true that this control would continue under a State form of government? The remedy which has been recently attempted to improve this condition was by the action of the present governor of Arizona and the Territorial board of equalization. The governor is an appointee of the President, confirmed by the Senate, and he in turn appoints this board. This body at its meeting last summer raised the assessment of mines about \$9,000,000. The supreme court of Arizona last week decided that this Territorial board had the power to raise the assessed valuation of patented mines. It is apparent, therefore, that an improved condition of the assessed valuation of patented mines was the result of action by officers who were not elected and under a Territorial form of government. If the evils exist as suggested in each of the Territories, then the uniting of these evils would not eradicate them, but make them easier of continuance. To the conservative mind such an argument made in an endeavor to secure joint statehood is lacking in logic and common sense. Let Arizona alone under the Constitution and flag, but as a Territory within her present boundaries, and her intelligent and rapidly increasing population, coming from the best blood of the nation, will work out their own salvation.

In every line of industry, as we have shown, Arizona is making remarkable progress. Her population and wealth are rapidly and steadily increasing. Her agricultural valleys to-day are among the garden spots of the world, and are rapidly filling up with the highest class of home-making citizens. As we have shown, the population of these valleys will be greatly increased when the vast irrigation works now in actual construction by the Government within Arizona's borders are completed and the flood waters stored for the purpose of creating thousands of new homes.

We have referred to Arizona's magnificent forests and the growing lumber industry under the wise control of the Government Bureau of Forestry. The showing in the live stock industry will compare favorably with that of any State in the Union.

We have shown the immense mineral resources of Arizona and the desirable class of home-making citizens in her mining towns and cities, as well as the rapid development of these mining sections along lines of permanent stability. The increase in Arizona's school population during the past decade of over 100 per cent is certainly most significant, and the substantial homes, modern brick schoolhouses and splendid public and private buildings which are being constructed in all of Arizona's towns and cities, and her vast and rapidly developing resources, give the assurance of a future of which not only Arizona but the nation will be proud. When she applies for statehood, as is her right as provided in the organic act, the Congress will find her coming bright and beautiful, fully equipped with population and wealth suffi-



cient to completely satisfy the requirements of every fair-minded American citizen, and worthy to have a star placed in the blue field of our national flag.

#### APPENDIX.

A list of some of the petitions, protests, and resolutions of the people of Arizona in opposition to joint statehood.

The memorial of the Arizona legislature.  
Protest, mayor and common council, Tucson.  
Protest, mayor and common council, Phoenix.  
Territorial Baptist convention.  
Board of supervisors, Yavapai County.  
Phoenix and Maricopa Board of Trade.  
Tucson Chamber of Commerce.  
Miners' Association of Arizona.  
Arizona Cattle Growers' Association.  
The citizens of Clifton, Ariz.  
Protest of citizens of Coconino County.  
Protest of citizens of Mohave County.  
Protest of Republican central committee.  
Protest of Democratic central committee.  
Protest of citizens of Clifton, Ariz.  
Resolutions, board of supervisors of Cochise County.

Resolutions, annual convention Arizona Cattle Growers' Association.  
Resolution, John W. Owen Post, Phoenix, Ariz.  
Resolutions, members Central Child Study, Phoenix, Ariz.  
Resolution, Business Men and Miners' Association, Wickenburg, Maricopa County, Ariz.  
Protest of the Republican central committee.  
Protest, Methodist Episcopal Church.  
Protest, Methodist Episcopal Church, Maricopa County.  
Protest, Presbyterian Church, Phoenix.  
Protest, Arizona Federation of Women's Clubs.  
Protest, Volunteer Fire Department, Phoenix.  
Protest, Bar Association, Prescott.  
Protest, Territorial Bar Association.  
Protest, mayor and common council, El Paso, Tex.  
Protest, citizens, Valparaiso, Ind.  
Protest, citizens' mass meeting, Dos Cabezas.  
Protest, citizens' mass meeting, Tucson.  
Protest, by petition, of 3,200 people at the State fair at Phoenix, obtained in thirty minutes, and a count of all refusing to sign showed less than 2 per cent of the people.  
General Sampson obtained in Phoenix 1,200 names of protestants against the bill, and, keeping strict count and making no discrimination, reports that only 7 persons refused to sign.  
Protest of Ministers' Conference, Phoenix, January 19.

Table showing distances, time, and fare from points in Arizona to Santa Fe, N. Mex., as compared with Phoenix, the present capital of Arizona.

[The time required to reach Phoenix from Globe and many other points in the Territory now, as shown, is due largely to delays occasioned by lay-overs necessary on account of existing schedules, all of which should shortly be remedied. This condition applies, in addition to Globe, to Bisbee, Douglas, Flagstaff, Holbrook, Naco, Nogales, Solomonville, St. Johns, Tombstone, Tucson, and Yuma.]

From—	To Phoenix.			To Santa Fe via Deming.			To Santa Fe via El Paso.			To Santa Fe via Ashfork.			Highest altitude reached.
	Miles.	Time.	Fare.	Miles.	Time.	Fare.	Miles.	Time.	Fare.	Miles.	Time.	Fare.	
		<i>h. m.</i>			<i>h. m.</i>			<i>h. m.</i>			<i>h. m.</i>		<i>Feet.</i>
Bisbee.....	208	6 47	\$11.95	529	24 18	\$21.95	582	20 40	\$26.80	891	29 6	\$42.00	7,228 and 4,614
Douglas.....	234	8 22	12.70	555	20 15	20.45	556	19 5	20.55	917	30 41	42.75	7,228 and 4,614
Globe.....	140	14 30	9.55	549	25 12	25.65				791	42 39	39.60	4,357 and 7,228
Flagstaff.....	254	8 50	14.25							429	14 14	22.10	7,228
Florence.....	52	2 55	2.80							735	25 14	32.85	7,228
Holbrook.....	345	15 16	18.45							338	16 31	15.30	7,228
Jerome.....	180	9 5	10.90							549	23 40	26.05	7,228
Kingman.....	309	11 15	16.90							612	26 50	27.35	7,228
Naco.....	203	7 2	11.40							882	34 57	41.45	7,228 and 4,351
Nogales.....	247	9 22	13.95	509	25 38	26.55	587	20 15	25.55	898	37 31	44.00	4,614
Phoenix.....				651	28 9	30.05				679	27 55	30.05	7,228
Prescott.....	137	5 45	8.20							542	22 10	35.50	7,228
Solomonville.....	228	8 17	12.70							459	21 17	20.20	4,351
St. Johns.....	415	27 16	24.45							408	28 30	21.30	7,228 and 5,057
Tombstone.....	170	5 32	10.25	630	22 30	22.85							4,614
Tucson.....	111	4 2	7.25	540	24 7	23.65							4,614
Yuma.....	201	8 10	10.20	791	32 12					880	36 5	40.25	4,614 and 7,228

The VICE-PRESIDENT. The Senator from Colorado asks that the memorial and statement of facts be printed as a document. Without objection, it is so ordered.

#### REPORTS OF COMMITTEES.

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

A bill (S. 969) granting an increase of pension to Howard Ellis;

A bill (S. 2346) granting an increase of pension to John W. Reed; and

A bill (S. 325) granting an increase of pension to Henry B. Burton.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 2882) granting an increase of pension to Samuel E. Johnson, reported it with amendments, and submitted a report thereon.

Mr. ALGER, 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. 2863) granting an increase of pension to Garrett Rourke;

A bill (S. 725) granting an increase of pension to William M. Smith;

A bill (S. 2406) granting an increase of pension to Thomas Millman; and

A bill (S. 1228) granting an increase of pension to Julia L. Plimpton.

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

A bill (S. 1604) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them in the military or naval service of the United States;

A bill (S. 4188) granting an increase of pension to Frank D. Smith;

A bill (S. 4187) granting an increase of pension to Nathaniel E. Skelton;

A bill (S. 4100) granting an increase of pension to Carlton A. Wheeler;

A bill (S. 3866) granting an increase of pension to Samuel J. Burlock;

A bill (S. 203) granting an increase of pension to Edward E. Needham; and

A bill (S. 200) granting an increase of pension to Friedrich Behrens.

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 (S. 466) granting an increase of pension to James H. Lewis;

A bill (S. 656) granting an increase of pension to Abraham Walters;

A bill (S. 3800) granting an increase of pension to Albert D. Corder;

A bill (S. 4227) granting a pension to John H. McKenzie; and

A bill (S. 655) granting an increase of pension to Charles E. Bishop.

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. 1978) granting a pension to Thomas Edsall;

A bill (S. 4181) granting an increase of pension to Margaret L. Hallett;

A bill (S. 1399) granting an increase of pension to Henry Jordan;

A bill (S. 482) granting an increase of pension to Amos M. Runkle; and

A bill (S. 4020) granting an increase of pension to Henry C. Johnson.

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 (S. 2250) granting an increase of pension to John Rauch; and

A bill (S. 3932) granting an increase of pension to David Rankin.

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. 1624) granting an increase of pension to Peter Betz;

A bill (S. 527) granting an increase of pension to Alfred McPherran;

A bill (S. 1634) granting an increase of pension to Solomon R. Ruch; and

A bill (S. 3031) granting an increase of pension to Frank Westervelt.

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 (S. 1420) granting an increase of pension to Sarah A. Tyler;

A bill (S. 180) granting an increase of pension to Joseph W. Legro;

A bill (S. 3125) granting a pension to Parthenia W. Baker;

A bill (S. 2840) granting an increase of pension to George L. Jaquith;

A bill (S. 3473) granting an increase of pension to La Forrest C. Darling;

A bill (S. 22) granting an increase of pension to Andrew Smith;

A bill (S. 2091) granting an increase of pension to John P. Bambush;

A bill (S. 2090) granting an increase of pension to Sarah E. Adams; and

A bill (S. 2968) granting a pension to George W. Hale.

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. 3474) granting an increase of pension to James B. Kellogg;

A bill (S. 790) granting an increase of pension to William Benkler;

A bill (S. 1173) granting an increase of pension to James M. Fernald; and

A bill (S. 19) granting an increase of pension to Alphonso B. Holland.

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. 10582) granting an increase of pension to Oscar B. Caswell;

A bill (H. R. 10258) granting an increase of pension to Elias Smith;

A bill (H. R. 10007) granting an increase of pension to Appleton Gibson; and

A bill (H. R. 8649) granting an increase of pension to William Bode.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 3888) granting an increase of pension to Susan E. Israel, reported it with amendments, and submitted a report thereon.

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

A bill (S. 3547) granting an increase of pension to Stephen M. Davis;

A bill (H. R. 11302) granting an increase of pension to John R. Cotton;

A bill (H. R. 9104) granting an increase of pension to Henry Brown; and

A bill (H. R. 10459) granting a pension to Alta M. Westenhaver.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1739) granting a pension to Henry Sistrunk, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2153) granting an increase of pension to Helen Read, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON, 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. 1527) granting an increase of pension to John M. Odenheimer;

A bill (S. 3310) granting an increase of pension to Richard M. Ogle;

A bill (S. 597) granting an increase of pension to David M. Pearson; and

A bill (S. 589) granting a pension to Joseph L. Prentiss.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 1138) granting an increase of pension to Albert S. Blake, reported it with amendments, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom were referred the resolutions of the Great East-

ern Lodge, No. 4, Brotherhood of Locomotive Firemen, of Portland, Me., and others, favoring the passage of the bill (S. 1657) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and foreign nations to their employees, asked to be discharged from their further consideration, and that they be referred to the Committee on Interstate Commerce; which was agreed to.

#### RAILROAD DISCRIMINATIONS AND MONOPOLIES.

Mr. TILLMAN. I am instructed by the Committee on Interstate Commerce to report a joint resolution and ask for its immediate consideration. I would want to discuss the joint resolution briefly, and therefore I ask that we may recur to this order of business after the Senator from Massachusetts [Mr. Lodge], who gave notice of his intention to speak this morning, has been heard. I do not want to interfere with that Senator, but the committee is anxious to have the joint resolution acted upon.

The VICE-PRESIDENT. The Senator from South Carolina reports from the Committee on Interstate Commerce a joint resolution.

Mr. TILLMAN. My request is that the Chair will not at this time have the joint resolution laid before the Senate, but allow the Senator from Massachusetts, who had given notice of a desire to speak this morning, to proceed, and as soon as he finishes then I should like to have this order of business recur to by unanimous consent, in order that I may present the joint resolution and have it read, be given an opportunity to say something about it, and have it acted upon.

The VICE-PRESIDENT. After the routine morning business—

Mr. TILLMAN. After the Senator from Massachusetts has concluded his remarks.

The VICE-PRESIDENT. After the routine morning business is closed the Senator from Massachusetts will be recognized, and after he has concluded his remarks the Chair will recognize the Senator from South Carolina to make report of the joint resolution from the Committee on Interstate Commerce.

#### BILLS INTRODUCED.

Mr. HEMENWAY introduced a bill (S. 4318) granting an increase of pension to H. S. Bennett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4319) granting an increase of pension to Frederick C. Sturm; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4320) for the relief of certain members of the National Board for the Promotion of Rifle Practice; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LATIMER introduced a bill (S. 4321) for an addition to the public building at Greenville, S. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TALIAFERRO introduced a bill (S. 4322) to increase the limit of cost of the United States post-office and land office at Gainesville, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MORGAN introduced a bill (S. 4323) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

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

A bill (S. 4324) granting an increase of pension to James H. Noble;

A bill (S. 4325) granting an increase of pension to Jabez Miller; and

A bill (S. 4326) granting an increase of pension to Joseph A. Clark (with an accompanying paper).

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

A bill (S. 4327) for the relief of Tilman Jeter (with accompanying papers);

A bill (S. 4328) for the relief of the Methodist Protestant Church; and

A bill (S. 4329) for the relief of the vestry of St. Paul's Episcopal Church, of Alexandria, Va.

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



A bill (S. 4330) granting an increase of pension to Charles J. Jenkins; and

A bill (S. 4331) granting an increase of pension to George Morrison.

Mr. KEAN introduced a bill (S. 4332) to correct the military record of James Danielson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 4333) granting an increase of pension to Albert S. Scroggins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

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

A bill (S. 4334) granting an increase of pension to Alfred J. Rumford; and

A bill (S. 4335) granting a pension to George W. Farquhar.

Mr. PILES introduced a bill (S. 4336) to establish a light and fog-signal station at the entrance to Resurrection Bay, Alaska; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4337) granting an increase of pension to Barney McGirl; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 4338) to authorize the President to classify and allot Indian reservations and restore to the public domain the surplus unallotted lands; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 4339) to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners; which was read twice by its title, and referred to the Committee on Commerce.

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

A bill (S. 4340) to amend section 1026 of the Revised Statutes of the United States, relating to review of questions of law in criminal cases; and

A bill (S. 4341) relating to the right of review in criminal cases.

Mr. HANSBROUGH introduced a bill (S. 4342) to provide an excise board for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLARK of Montana introduced a bill (S. 4343) granting a pension to John W. Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4344) granting an increase of pension to William R. Bartlett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4345) granting an increase of pension to J. Dillon Turner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 4346) granting an increase of pension to William E. Holloway; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 4347) to authorize the appointment of a United States commissioner for the Shoshone or Wind River Reservation, in the State of Wyoming, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced a bill (S. 4348) for the relief of Augustus Trabing; which was read twice by its title, and referred to the Committee on Military Affairs.

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

A bill (S. 4349) for the relief of James I. Patten; and

A bill (S. 4350) for the relief of Arthur A. Underwood.

Mr. GALLINGER introduced a bill (S. 4351) for the relief of Horatio McIntire; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4352) for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PENROSE (by request) introduced a bill (S. 4353) to amend an act to provide revenue for the Government and to

encourage the industries of the United States; which was read twice by its title, and referred to the Committee on Finance.

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

A bill (S. 4354) granting a pension to Elizabeth S. Taylor;

A bill (S. 4355) granting a pension to Anna E. Hetherington; and

A bill (S. 4356) granting an increase of pension to Thomas Allen.

Mr. PENROSE introduced a bill (S. 4357) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903; which was read twice by its title, and referred to the Committee on Immigration.

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

A bill (S. 4358) granting an increase of pension to Thomas McCormick;

A bill (S. 4359) granting an increase of pension to Mary E. Lincoln;

A bill (S. 4360) granting an increase of pension to John P. Dunn;

A bill (S. 4361) granting an increase of pension to John W. Daley; and

A bill (S. 4362) granting an increase of pension to William Fleugel.

Mr. FORAKER introduced a bill (S. 4363) granting an increase of pension to Charles W. Stratton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE. I introduce a bill to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States. It is a bill which has been prepared mainly, not entirely, in the Navy Department. There are certain provisions in it to which I do not agree, but in order that the whole subject-matter may come before the proper committee I introduce the bill and ask that it be referred to the Committee on Naval Affairs.

The bill (S. 4364) to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, was read twice by its title, and referred to the Committee on Naval Affairs.

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

A bill (S. 4365) granting an increase of pension to Mathew Kerwin; and

A bill (S. 4366) granting an increase of pension to Henry B. Willhelmy.

Mr. DANIEL introduced a bill (S. 4367) for the relief of Mrs. C. N. Graves; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4368) to authorize the United States Government to participate in the Jamestown Tercentennial Exposition on the shores of Hampton Roads, in Norfolk County, Va., in the year 1907, and to appropriate money in aid thereof; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. CLARK of Wyoming introduced a joint resolution (S. R. 30) to create a commission to examine into the subjects of citizenship of the United States, expatriation, and protection abroad; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. FORAKER introduced a joint resolution (S. R. 31) authorizing the Secretary of War to award the Congressional medal of honor to Peter B. Cupp; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

#### AMENDMENTS TO BILLS.

Mr. SMOOT submitted an amendment proposing to appropriate \$600,000 for constructing and completing irrigation systems to irrigate the allotted lands of the Uncompahgre, and Unifath, and White River Utes, in Utah, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PILES submitted an amendment relative to the detail of Capt. William N. Hughes, United States Army, retired, for duty at East Florida Seminary, Gainesville, Fla., intended to be proposed by him to the army appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

#### PROHIBITION AGAINST WEARING OF UNIFORM.

On motion of Mr. PENROSE, it was

Ordered, That there be printed for the use of the Senate document room 200 copies of the bill (H. R. 13551) to prohibit the wearing of

the uniform of the Army, Navy, Marine Corps, or Revenue-Cutter Service of the United States, etc., first session Fifty-ninth Congress.

#### COMMITTEE SERVICE.

Mr. PATTERSON. Mr. President, about ten days ago I was appointed to the Committee on Privileges and Elections. I accepted the appointment with some protest and a very great deal of reluctance. Since the appointment was made I find that on account of the mass of other business in connection with other committees to which I must give my attention, it is utterly impossible for me to give that degree of attention to the business which is before the Committee on Privileges and Elections that the great importance of the question before the committee requires. For that reason, I ask unanimous consent that I may be permitted to resign from service on that committee.

The VICE-PRESIDENT. The Senator from Colorado asks unanimous consent to be relieved from further service upon the Committee on Privileges and Elections. Is there objection to the request? The Chair hears none, and the resignation is accepted.

Mr. BLACKBURN. I ask that the junior Senator from Tennessee [Mr. FRAZIER] be assigned to the vacancy just made upon the Committee on Privileges and Elections.

The VICE-PRESIDENT. The Senator from Kentucky asks unanimous consent that the junior Senator from Tennessee [Mr. FRAZIER] be appointed to fill the vacancy upon the Committee on Privileges and Elections. Is there objection? The Chair hears none, and it is so ordered.

#### REGULATION OF RAILROAD RATES.

Mr. LODGE. Mr. President, I ask that resolution No. 61, now on the table, may be laid before the Senate.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent that the resolution submitted by the Senator from Georgia [Mr. CLAY] January 18, 1906, may be laid before the Senate. Is there objection? The Chair hears none, and the resolution is before the Senate. The resolution 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 maximum 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.

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.

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. LODGE. Mr. President, Coleridge, in his "Table Talk," said on one occasion:

I have heard but two arguments of any weight adduced in favor of passing this reform bill, and they are in substance these: 1. We will blow your brains out if you don't pass it; 2. We will drag you through a horsepond if you don't pass it; and there is a good deal of force in both.

In the discussion about railroad rates which has been going on during the past year I have been frequently reminded of Coleridge's words and I have come fully to appreciate the justice of his saying that there is much force in what may be called the "knock-down and drag-out" mode of argument. But if there is some excuse for reasoning of this robust kind when a country is on the edge of revolution, as England was in 1832, it is curiously inappropriate to a question which is not the vital and yet simple one of obtaining a larger freedom and more genuine popular representation, but which is intricate to the last degree and complicated with every variety of perplexing details as well as with the gravest economic difficulties.

Impressed by the magnitude and the importance of the railroad question, I have for some months devoted such ability as I may possess to studying it in its various phases and to an earnest endeavor to understand the conditions of the problem. Startled at the outset at the extent of my own ignorance and the difficulty of the subject, I have been soothed as I proceeded by the growing conviction that the question was not understood thoroughly, if at all, by many of those who had awed me by the ease with which they disposed of it and by the glib way in which they offered solutions so compact and simple that they could be uttered as confidently as if they were established aphorisms instead of mere fractions of truth, often more misleading than complete misstatements.

I am very certain that my own inquiries, which have been diligent, although, I am only too well aware, very far from exhaustive, have not enabled me to master the problem; but they have disclosed to me very plainly the many political, economic, and legal questions which rise up at every stage of this investi-

gation. I have also been brought to certain very definite conclusions of a general nature beyond which lies a wilderness of details, all important, all more or less serious, upon which I should enter with hesitating steps. Yet I shall venture to state the general conclusions at which I have arrived, because I think the subject one which is in such great need of full and dispassionate public discussion that even the most imperfect effort to arrive at the truth, if honestly made, will not be without value.

I began my inquiries with the firm belief that there were serious defects in our methods of carrying on railroad transportation which had given rise to injustice and to discrimination productive of grave evils in the body politic and economic. I also believed that these evils must be met and cured, if they could be cured, by Government regulation and supervision wisely applied, unless we were prepared to see a movement toward Government ownership, which, if successful, I should regard as an unmitigated disaster and one fraught with the destruction of the institutions and principles of government under which we have risen to greatness as a people and which we all revere and love. These beliefs have been strengthened by all that the study of the problem has taught me. Yet I have learned at the same time that the matter can not be dealt with as a simple question of right and wrong, and that success depends absolutely on the manner, the measure, and the form of the legislation by which we seek a solution of the difficulty. The vital point is not what we desire to do—upon that all thoughtful men are agreed—but how we are going to do it, and there we come to wide divergence of opinions.

The second conclusion which I reached, and I reached it very soon, was that since the foundation of the Government there have been very few questions before Congress more serious or more momentous than the one involved in this measure. This may seem an exaggerated, if not an extreme, statement, and yet I believe it to be well within the bounds of sober truth. Economically there is nothing which approaches in importance our system of transportation with the single exception of the maintenance of a sound money standard. Tariffs and banks, rates of duty, and internal taxes are trifles compared to our system of transportation, whether we consider the advantages which are produced by a good system or the evils which may flow from a bad one. Like the money standard, the transportation of people and of freight comes home, sensibly or insensibly, to the daily business and the daily life of almost every member of the community. Moreover, while it touches and affects the individual, it is also the chief factor in the general prosperity, as well as in the ability of the country to obtain its due share in the markets, the trade, and the commerce of the world. To deal with this great question wisely and successfully will tend to promote the well-being and prosperity of millions of human beings. To make a mistake in dealing with it will not only cause commercial and financial disaster of a magnitude almost beyond computation, but will involve possibilities of political change and of alterations in our principles of government the gravity of which can not be overestimated. The subject, therefore, is one which must be approached without rhetoric and without partisanship, soberly, discreetly, with a full sense of its vast importance, and with a thorough realization that the action of Congress is capable of having the most far-reaching effect upon the welfare of the people and upon the future of the United States.

It must also be remembered at the outset that in no country in the world do railroads occupy the same place which they have occupied in America. Steam and electricity have produced throughout the world a revolution, social, political, and economic, which can not be paralleled in its effect upon the human race except by that wrought in the condition of mankind through such discoveries as those of the control and application of fire, or the invention of the wheel, the origin of which is lost in the mists of time. In the earliest civilizations, in those of Egypt, Chaldea, and Assyria, which modern archaeology is laying bare before our wondering gaze, we find men already possessed of all the means of transportation which were practically known to the world less than a hundred years ago. Land transportation was carried on by men or animals and water transportation by sail or oar. Power was supplied in the one case by the muscles of men or animals, in the other by muscular force or by the winds of heaven. So deeply was this fact impressed upon the human mind that we still reckon the motive power of steam and electricity in terms of the horse. Seas, rivers, and canals in the earliest times of which we have historic record furnished the waterways, and rude trails trodden out first by the feet of men or horses and developed gradually into constructed roads and paved streets supplied the land routes. From the dawn of history to the beginning of



the nineteenth century there was no change in these methods of transportation. There was a slow improvement in seagoing vessels, but it seems probable, if not certain, that the roads of the Roman Empire furnished a better and more complete system of transportation and communication than was to be found in Europe in the Middle Ages or even as late as the eighteenth century. In means and modes of communication and transportation, which not only influence profoundly human society, but upon which that society largely rests, the men who fought at Waterloo were nearer to those who fought at Thermopylae than they were to those who engaged in battle at Gettysburg, at Sedan, or at Mukden.

The Old World, therefore, in the course of centuries, reached its commercial and trade development on land through the construction of roads which were public works and which were slowly built by the combined efforts of the community. This country, on the other hand, was only in the earliest stage of its economic development when the application of steam to water and then to land transportation gave us first the steamboat and presently the railroad. By means of the railroad we were able to conquer, to open up, and to develop a continent, a task which with this new device occupied years where under the old system it would have consumed centuries. It is the railroads which have made the rapid yet solid development of the United States possible, and without them it may well be doubted whether the Union of States, covering so vast an area, and the subsequent political consolidation of the country would have been possible. With us, except along the Atlantic seaboard, and in later times on the Pacific coast, transportation and communication were obtained through railroads alone, except in those limited and detached regions where lake or river steamboats could be employed. We are the only country almost in the world which over great spaces has omitted the long preliminary stages of the building of highroads and has established on a large scale complete transportation and communication by the agency of rails and steam alone. We have been, therefore, in the past, and we are to-day, more dependent for our economic existence and for our civilization upon railroads than any other nation. If proof of this fact were needed, it can be found in the fact that there are more miles of railroad within the limits of the United States than there are in all Europe—more than in Europe, Africa, and Asia combined—nearly one-half of all the railroad mileage of the world.\*

\*I append the latest figures, as given by one of our leading statisticians in a recent letter to the New York Sun:

THE RAILROADS OF THE WORLD—THIS COUNTRY AHEAD BOTH AS TO MILEAGE IN OPERATION AND RECENT AND PRESENT GROWTH.

To the Editor of the Sun.

SIR: The United States leads the world both in the present mileage and recent growth of its railways, says the Department of Commerce and Labor, through its Bureau of Statistics, in a monograph just issued entitled "The transportation routes and systems of the world."

The total railway mileage of the world in 1904 was 534,000, mainly distributed as follows:

United States	211,074
European Russia	35,323
Germany	32,967
France	28,102
India	26,950
Austria-Hungary	24,120
United Kingdom	22,634
Canada	19,611
Africa	15,560
Australia	14,113
Argentina	11,559
Mexico	10,356
Italy	9,961
Brazil	9,368
Sweden	7,697
Siberia, Manchuria, and other Russian Asia	7,322
Japan	4,495
China	1,176

By that schedule we see that the United States in 1904 had 21,367 miles more railway than had European Russia, Germany, France, India, Austria-Hungary, the United Kingdom, and Canada combined. Or, to put it another way, the United States had 112,206 more miles of railway than all the other Anglo-Saxon countries of the world, namely, the United Kingdom, India, Canada, Africa (counting it all British), and Australia, combined.

The growth of the present railway system of the United States has been little short of marvelous. It was not until 1835 that it reached as much as 1,000 miles, being 1,098 miles in that year. Note the growth since then:

	Miles.
1850	9,021
1860	30,026
1865	35,085
1875	70,096
1885	128,320
1895	181,115
1905	217,328

There are two very striking facts to note here: First, that in spite

of the American people, of the genius which has been displayed in the construction and management of the railroads, and of the success which has attended these efforts than the fact that the United States exists in all the plenitude of its wealth and power to the admiration of the world to-day. Of all the nations of the earth, then, it surely behooves us more than any other to exercise the utmost care and the highest wisdom of which we are capable when we come to deal by law with that system of land transportation to which we owe so much and upon which such incalculable interests depend.

It is not worth while to consume time in demonstrating the right of the Government to legislate for the regulation of railroads. The highroads of antiquity and of modern times alike are public roads. The railroads which have so largely taken their place, although, as a rule, not built by the community, are likewise in the broadest sense public roads, because they perform the functions of the highroad, and those who operate them are common carriers. They are moreover the creatures of legislation, the possessors of great gifts and privileges conferred upon them by the public, and it is idle to suggest for a moment that they can set up any claim to deal with their property and their commodity of transportation with the same unrestricted freedom as the shopkeeper, the manufacturer, or the merchant, who enjoys no franchise from the state and who does not belong to a class like common carriers, who, by the very nature of their employment, have always been held to come peculiarly within the scope of the law.

The right of the Government, therefore, to regulate and control the operations of a railway system being uncontested, the only question for the law-making power to consider is how that right shall be exercised. Both in theory and in practice this question has received answers which range from Government ownership to complete abstention from any interference with the railroads of any kind whatever. The last extreme of entire noninterference, if it can properly be said ever to have existed, is now entirely abandoned, while the other extreme, that of Government ownership, has been widely attempted. In this country we have leaned toward the minimum of interference, but with the enormous expansion of railroads since the civil war there has been a constantly increasing movement toward railroad regulation. It is not my purpose, nor is it necessary, to trace the history of this movement. It has not been a steady and continuous progress, but has spread and advanced with sudden bursts, followed by corresponding periods of indifference and inaction. Most of the States have enacted railroad legislation and established a greater or less degree of control over the operation of railroads within their several boundaries. In many States this legislation has been wise and well considered, has proved of great benefit both to the railroads and to the public, and has practically put an end to agitation and discontent. In many other States the legislation proceeding apparently upon the theory that men could be compelled by law to carry on the business of transportation for the benefit of other people at an annual loss to themselves has been violent and injurious, detrimental both to the people and the business of the State as well as to the railroads, and has fortunately been usually brought to naught by the wisdom and courage of the courts.

This same feeling which produced the State laws finally

of the civil war 5,059 miles of railway were built during that unhappy period; second, that in the ten years following our railway mileage was doubled.

During the latest year for which statistics are available, says the monograph, the railways of the United States carried, as compared with 1885:

	1885.	1904.
Freight.....tons..	437,000,000	1,800,000,000
Passengers.....	351,000,000	720,000,000

Reckoning our population at 80,000,000 in 1904, it is as if every man, woman, and child in the country made nine steam railway trips during the course of that year and also moved 16½ pounds of freight.

The reduction since 1865 of railway freight rates in the United States is also remarkable, as illustrated by the fact that wheat by lake and rail has fallen from 29 cents to 5 cents; by railway only from 46 cents to 11 cents.

It will be noted that our railway mileage grew 6,254 miles between the summer of 1904 and the winter of 1905, and it is still growing, with no indication of its growth being checked for several years to come; on the contrary it bids fair to have a larger growth each succeeding year.

WALTER J. BALLARD.

SCHENECTADY, January 18, 1906.

found, as was to have been expected, national expression in the interstate-commerce act of 1887. After more than twelve years' experience with this law as interpreted by the courts, the movement began again for further and more stringent legislation. This resulted in the last Congress in the passage of the law commonly known as the "Elkins Act," which was directed toward the abolition of rebates, and under this law and the interstate-commerce act of 1887 we are living at the present time. The question now before us involves a further extension of the interstate-commerce act, and in order to enlarge and change that act intelligently the first step is to determine what the exact evils are from which we are suffering and then how these evils can best be eradicated without opening the door to new ones caused by remedies which are worse than the disease. The evils complained of in our system of operating and managing railroads, and from which the public suffers, may all practically be covered under one of three heads.

These three classes of grievances are:

1. Discrimination between persons,
2. Excessive rates, and
3. Discrimination between localities.

I will deal with them in their order.

By discriminations between persons I mean discriminations between individuals, or between corporations, or between a corporation and an individual, by which one shipper is charged a lower rate than another for the performance of precisely the same service. These discriminations are commonly known in this country as "rebates" and in England as "undue preferences." A very large proportion of all the injustices complained of and of all the grievances alleged comes under this head, and nothing is more important than to cure and, if possible, finally root out the undoubted evils which exist in and which have been caused by these personal discriminations or rebates. That they should be so far as possible extirpated both by law and by the thorough enforcement of law seems now to be universally admitted. Yet, despite this general agreement, both as to the existence of the evil and the wisdom of a radical cure, nothing stands so much in the way of intelligent legislation as the prevalent confusion of mind as to what precisely these personal discriminations are and the consequent failure to distinguish them from discriminations between localities. In nine cases out of ten, when I have talked with anyone who was very eager for general railroad legislation and especially for Government rate making, I have found that the special grievance complained of was a personal and not a place discrimination. Such a failure to distinguish between the two kinds of discrimination draws with it inevitably a corresponding failure to understand that the remedies for the two kinds of discrimination must be totally different. This distinction is vital, because arguments either for or against Government interference, which apply in one case, have no application whatever in the other. It is obvious that a simple law against rebates would have and can have no effect either on excessive charges or upon discriminations between localities. It ought to be, but apparently is very far from being, equally obvious that a law to prevent excessive charges or discriminations between localities would have no effect whatever in stopping rebates or personal discriminations. The essence of the evil in the rebate or personal discrimination is the inequality of charge to individual users of the railroad for performing precisely the same service. A charge may be excessive and yet equal; it may be discriminating as between places and at the same time perfectly equal to all individuals or corporations; but the rebate, which favors one man as against another for the performance of the same service, must be unjust and wrong, as it is usually secret and sometimes corrupt.

The personal discrimination or rebate consists and must consist in giving to a favored individual, firm, or corporation a lower rate than that established, published, or ordinarily exacted from other firms, individuals, or corporations for rendering the same service. A rebate, or personal discrimination, in other words, is an evasion—necessarily a secret evasion—of a fixed rate. Therefore fixing a rate, whether the fixation is done by the Government, by a traffic association, or by the railroad itself, is no remedy whatever for an offense which can not be committed unless there is already a fixed rate to be evaded. If we had no law as to railroad rates upon the statute books, the passage of a law giving to the Government authority to establish maximum, or maximum and minimum, or specific, or even simple distance rates, would have no effect whatever upon rebates and personal discriminations. They could go on in secret just the same as before if anyone was willing to break the law. As it happens, we have a stringent law recently passed against rebates. That law fixes a rate by making the

published rate, whatever it may be, the only lawful rate, and yet many advocates of additional railroad legislation declare that this law has not stopped rebates. In so saying they seem oblivious of the fact that they thereby admit that a rate fixed by the Government fails to prevent discrimination between persons. If fixing one rate by Government fails to achieve the desired result, fixing another in another way will not do it, for the essence of the discrimination is in the evasion, not of one particular fixed rate, but of any rate which has been fixed in any way. In other words, Government rate making is not, and in the nature of the case can not furnish, any remedy by and of itself for personal discriminations or rebates.

The evasion of the established rate for the benefit of a favored shipper, which constitutes a discrimination between persons, therefore, must be dealt with not by general legislation as to rates, but by an ample provision for punishing those who violate the law. I regard these discriminations between persons, or rebates, as by far the greatest evil now existent in connection with our railroad systems and as one of the most fruitful in wrong and injustice with which we have to deal. It is upon these personal discriminations that the great trusts, whose operations have not only alarmed the people but have made them justly indignant, have been built up. Without the rebates which they have extorted from the railroads the monopolies, either partial or complete, which they have created in certain cases, and the abnormal increase in prices which they have sometimes brought about, would have been well-nigh impossible. The rebates have been a wrong and injustice to the people and a serious injury to the railroads themselves. I do not think that it would be possible to pass legislation too drastic for the purpose of stopping these discriminations between persons. We have a law now upon the statute books which, so far as prohibition can go, ought to be sufficient. It undoubtedly has largely checked rebates, but it has not stopped them entirely. To make the law thoroughly efficient we ought to add, in my judgment, three provisions. We should restore the former penalties of the interstate-commerce law—which should not have been repealed—and make these secret evasions of the published rates punishable by imprisonment. The men who perpetrate these evasions in defiance of the law suffer but little by a fine, even if it be a heavy one. Their resources are too large to make a money penalty a serious one. For this very reason they are persons who would feel acutely a punishment by imprisonment, and that penalty ought to be provided in any law which we pass.

A second addition to the present law which we need is a provision to facilitate the procuring of evidence by the law officers of the Government. This defect has been pointed out by the Attorney-General in his report, and I think nothing is more requisite than a clause enabling the proper authorities to examine the books of the railroad companies whenever they have good reason to think rebates are being granted. A third and last addition should be the enactment of suitable provisions in regard to private car lines, switching charges, private sidings and tracks, elevator charges, midnight rates, and all the various and ingenious arrangements now employed to cover up the grant of rebates. Unless we can efficiently deal with these devices for making discriminations between persons our legislation will fail, and the fact that elaborate and carefully drawn provisions will be needed in order to render the law effective in this direction should not deter us from undertaking this particular branch of the work, for without it our other provisions would be in large measure futile. If, then, we provide an adequate penalty, arm the law officers with the means necessary to obtain evidence, and overcome the ingenious devices to cover rebates now in use, I think personal discriminations will cease and that the greatest evil which has grown up under our railroad system will come to an end. That the eradication of rebates is not impossible or in the least impracticable is proved by the experience of England, where "undue preferences" are practically unknown and where the railroads are most reliable in the payment of dividends, showing that the abolition of rebates and personal discriminations would be to the railroads a solid benefit instead of a fancied injury.

I come now to those cases of complaint included in the second class under the head of excessive rates. In this direction the complaints are the fewest in number and there is less ground for them in the United States than anywhere else. That there are occasional instances of excessive rates no one will deny, but these are exceptions which prove the existence of the rule, and the rule is that American freight rates as a whole are the lowest in the world. I will place here, and I desire to call especial attention to it, a table giving the average of American rates in comparison with the average of rates in other countries.



Year.	United States.	France.	Germany.	Austria.	Hungary.	Italy.	European Russia.
1870.....	1.89	1.78	-----	-----	-----	a1.95	-----
1880.....	1.23	1.68	-----	1.81	-----	1.97	-----
1890.....	.94	1.54	1.34	1.99	1.88	1.64	1.14
1891.....	.90	1.51	1.33	1.96	1.83	1.63	1.06
1892.....	.90	1.51	1.33	1.93	1.25	1.63	.95
1893.....	.88	1.48	1.32	1.82	1.25	1.63	.99
1894.....	.86	1.47	1.32	1.81	1.25	1.63	1.00
1895.....	.84	1.45	1.32	1.90	1.24	1.63	.98
1896.....	.81	1.44	1.32	1.82	1.27	1.63	.95
1897.....	.80	1.42	1.29	1.27	1.26	1.63	.89
1898.....	.75	1.39	1.27	1.23	1.25	1.60	.86
1899.....	.72	1.35	1.24	1.22	1.27	1.58	.87
1900.....	.73	1.32	1.22	1.24	1.25	(b)	.84
1901.....	.75	1.33	1.23	1.24	1.26	(b)	-----
1902.....	.76	1.33	1.22	1.26	1.24	(b)	-----

<sup>a</sup> For 1872. <sup>b</sup> Data not comparable with earlier years.

This table shows, what I have already stated, that our railroad freight rates are the lowest in existence. Mr. Acworth, who is not only an expert as to English railroads, but a most distinguished authority on railway economics, stated in his testimony before the Interstate Commerce Committee that English statistics were so defective that it was hard to get a comparison with our rates. He testified, however, that while he thought their rates were better than ours up to 25 or 30 miles, on all longer hauls it was his opinion that our rates were two or three times lower than those in England above that distance. If the long were averaged with the shorter hauls it would make our rates much lower than theirs throughout. The railroads of the United States, moreover, paid on the average in 1904, according to Poor's Manual, 2.92 per cent upon all the capital invested, a very small return. No reasonable man expects the railroads to carry on business without proper and fair remuneration, and these figures show that the average return on capital invested in railroads is very low indeed. The fact that rates are lower here than in any other country and that, as the table given above shows, they have steadily declined, taken in conjunction with the very moderate returns on the capital invested in railroad property, is proof sufficient that there can be but little suffering from excessive rates and that when rates have been excessive they can not have been of long continuance except under very peculiar conditions. It may, I think, be safely asserted that if there was no grievance to be dealt with except excessive rates there would be no need of any legislation whatever. We could safely leave the cure of excessive rates to the law of competition among the railroads themselves, and where there were no competing lines to the competition of markets, which no consolidation nor combination of roads can do away with. If cases of excessive rates which neither the competition of roads nor of markets could reach still remained, the conditions which made them possible would be so rare that they would of necessity be few in number and could be relieved by a resort to the remedy of the common law, which has always recognized the obligations of common carriers and held them to account.

This brings me to the third class of complaints—those arising from rate discrimination between localities. These complaints are numerous and widely scattered, but they are sporadic, they are not uniform, and they are generally inharmonious among themselves, the wrong denounced by one community being not infrequently precisely the redress which is demanded by another. That evils in the form of place discriminations exist can not be disputed, but the difficulty of finding a remedy for them seems to me very serious. Indeed, the further I have proceeded in such investigation of the subject as I have been able to make the graver the difficulty has appeared. The preventive legislation directed against rebates deals always with a single case, each case constituting a violation of the statute, and in result only brings back the rate lowered through favoritism to the rate already established by publication. But when a rate discrimination between places is altered it may and probably will affect thousands of other rates and change the conditions upon which business of enormous magnitude and extending over vast areas is transacted. This single consideration illustrates at once the difficulty of finding a proper remedy for the injustices arising from place discrimination.

Nevertheless, in the way of remedy for discriminations between localities only one method is suggested, and that is to take more or less completely the rate-making power from the railroads and give it to the Government. It seemed to me, after reading many assertions and some arguments on both sides as to the probable effect of transferring the rate-making power wholly or in part to the Government, that more satisfying than any prediction and more instructive than any speculative conclusion would be the results of actual experience in government

rate making which have been adopted and carried on in many forms and in all degrees of stringency in other countries.

I desire, therefore, briefly to review the practice and effects of government rate making in some of the principal countries of Europe and in Canada and Australia.

I will begin with England. It is not necessary to trace the whole course of English legislation in regard to railroads. It is sufficient to say that after much discussion and many experiments of a partial nature England finally, in 1888, passed an act recasting and consolidating all the old maximum rates which had been gradually established as each railroad had been constructed. In 1893 another act was passed which imposed a further limitation, to the effect substantially that no rate could be increased within the maximum rates unless the railway commission was satisfied that there was good reason for allowing it. The condition in England, in brief, then, since 1893 has been this: There is a statutory maximum highly elaborated and providing for a rate on different classes of goods from each point in the Kingdom to every other point. There is also a provision that rates should not give an undue preference to one trader over another, and, lastly, that no increase shall be made in the rate if anybody objects unless good cause can be shown before the railroad commission court, as it is called, presided over by one of the judges of the highest court. In practical operation we find that within the limitation of the maximum rates, which are so high that they have no practical effect, the railroads carry on the business much as they do here, except that there are no undue preferences and that no attempt has been made to prevent the locality discrimination which arises under long and short hauls. In other words, there are rates to competing points lower than the rates to intervening points where there is no competition and where the distance traveled is less.

It has apparently been found impossible in practice to do away with these discriminations arising from the long and short hauls and the inevitable effect upon the rates of competing points. The interference of the Government in England has been moderate and in a large degree tentative, and yet all the evidence we have shows that even this very limited interference has not had a good effect on business and has brought in evils at least as serious as those which it sought to cure. Mr. Acworth said in his testimony:

As to rate making, I have no doubt that the interference of Parliament and courts and the executive has all tended to stereotype and keep rates at an unnecessarily high level. Speaking as an individual student, I have no doubt that leaving the power to make rates generally and primarily to the railroads and to the free play of the business forces is the process that will arrive at the best results for the community, with this exception: That I fully think it is necessary that the community in some way should interfere to protect all customers from unfair treatment.

In other words, Mr. Acworth, who is one of the highest living authorities on railway economics, believes that the power of rate making, if undue preferences—that is, rebates—are abolished, as has been done in England, should be left very largely and under very slight limitations to the natural working of economic forces. The result, practically, of the very moderate legislation which they have adopted in England has been to make the rates almost wholly inelastic. No railroad dares to lower a rate, if it can possibly be avoided, because of the restrictions imposed by law on increasing the rate when it becomes necessary. The result is that rates in England have not, as a rule, declined; and while our rates show a decline of 41.7 per cent as against a 24.3 per cent fall in prices, it is apparent that in England prices have fallen faster than rates, owing to the fixed character given to rates by legislation.

To sum what we may learn from the English experience, we find that the provision against increasing rates has prevented the reduction of rates; that undue preferences or rebates have been successfully stopped; that discriminations between localities exist, and that the long and short haul discriminations are not interfered with. It therefore appears that in England the rate making by Government, so far as it has gone and so far as it affects discriminations between localities, has had either no result or has prevented rate reductions. To quote from Mr. Acworth's book, *The Elements of Railway Economics*, page 158:

The legislation of the years from 1891 to 1894 has done much to prevent any natural and gradual lowering of rates. A railway company is still free to lower. It has ceased to be free to raise. A manager may desire to lower a rate, hoping thereby not only to benefit trade, but also, by increasing largely the volume of traffic, to increase his own net earnings. But it is only a hope. In the nature of the case certainty is not attainable in advance. A prudent manager, therefore, will not, unless his hope is closely allied with certainty, lower a rate when he must face a lawsuit before he can put it up again.

In considering the English experience and trying to learn from it it is well to remember that it is the gentlest and most

limited form of rate making by government which has been attempted in any foreign country, and yet we see that its principal outcome has been to prevent rate reductions and that rates have not fallen in England in anything like the proportion in which they have declined in the United States.

In France nearly all the railroads are in private hands; there are 26,148 miles in private operation and 1,726 operated by the State. The regulation of rates by the Government is very stringent, amounting practically to Government rate making. If a railway company wishes to raise or lower a rate, application must be made to the minister of railways. The minister then transmits a copy of the application to the prefect of the department, who notifies the local chamber of commerce, who have one month in which to file a reply. The evidence thus obtained is then submitted to the railway advisory council, who report upon it to the minister of railways, who then rejects or grants the request. This system has not done away with discriminations, but, on the contrary, has developed a new set, largely unknown to us and based on peculiar principles. The distance rate being found impracticable here as elsewhere to the point of impossibility, tapering rates have been introduced and carried to a point of elaboration probably beyond that attained in any other country. There are also many special rates devised to meet the needs of trade and industry. In fact, local discriminations exist in full force just as with us, only they are made by the clumsy, slow-moving governmental machinery instead of by the railroads themselves. The influences which govern the railroads in making rates are self-interest primarily, and secondarily, the competition of markets and the development of new territory. In France the influences are local and political, and these influences struggle for the control of the advisory council. Some years ago the railway representation on the council was diminished and that of the river and canal owners was increased, which illustrates the nature and working of the forces which strive for supremacy. What concerns us, however, is not the contest for control, but the practical results of this form of governmental rate making. Some of the decisions made and policies adopted are illuminating. As a rule, the council does not allow a railroad to reduce rates to a point which it reaches by a longer haul than another and rival road. This, no doubt, does away with making higher rates to intervening than to competing points, but it is accomplished by destroying competition to the point where it would otherwise exist. The council has also decided, and this practice now has the power of law, that railroads must not reduce rates below 20 per cent above the rates on competing waterways. This strange policy is, of course, due to the pressure of the navigation interests, supplemented by local and political influences.

The results, briefly stated, of the system which these decisions illustrate have been to make rates inelastic, to keep them high, and to drive business to the waterways, where it is carried on by 300-ton boats drawn by horses, in order to find a free movement for freight. It will be seen by the table that the average charge per ton per mile in France was, in 1902, 1.33 cents as against 0.76 of a cent in the United States. Since 1870 rates have declined in the United States from 1.89 cents to 0.76 of a cent and in France from 1.78 cents to 1.33 cents. The level of prices in France between 1879 and 1897 has fallen 19 points and freight charges only 15 points, of which 13 were between 1887 and 1897. In the United States the decline of prices between 1880 and 1900 has been, in round numbers, 25 points and in freight charges 42 points. In other words, prices have declined in France faster than freight charges, and in the United States freight charges have declined nearly twice as fast as the general level of prices. Since 1881 the waterways in France have been gaining steadily, and the average traffic density of the waterways carrying 95 per cent of the waterborne traffic was nearly twice the average traffic density of the French railways. The Government has recently carried a credit of a hundred million dollars to build additional canals, and this makes it to the Government's interest to prevent the lowering of railway rates where there is water competition. Summing up, we find that under stringent Government regulation in France rates are high and inelastic, that the movement of freight is so impeded that traffic is reverting to the river, the canal, and the towing path, and that discriminations between localities exist just as they do here, but are made by the Government in obedience to local, financial, and political influences, which exert power in proportion to the pressure they can severally bring to bear.

In Germany, the Government operates 29,473 miles of railway as against 2,815 miles in private operation, just reversing the proportion in France. Practically all the German railroads are controlled by the Government, either by direct ownership or stringent regulation, and nowhere has the problem of govern-

ment management been more thoroughly studied or more elaborately worked out than in Germany. The main influence originally in bringing about Government ownership was political, the purpose being to promote the consolidation of the Empire, but the discriminations made by railways in favor of competing points also played a large part. Nothing is more instructive than to study the German system and the numberless problems with which the Government has endeavored to deal when it had once entered upon the policy of substituting law for the play of economic forces. An earnest and most intelligent effort has been made to meet every conceivable contingency by legislation, and like most such efforts this one has failed to foresee all the difficulties which a perverse world, fruitful in difficulties, can produce. It would be impossible for me to attempt here more than a brief outline of the German system and its results, but there is an extensive literature on the subject both in German and English which well repays examination.

Roughly stated, the German Government rate is composed of a dispatch fee increasing up to 62 miles and a mileage charge decreasing with the increase of distance. The principle is that of the distance rate, tapered moderately according to the number of miles traveled. Nothing on its face could be simpler or fairer, but the way it works out in practice is by no means either simple or fair. There are various classes of rates established, called ordinary tariffs, which consist of—

1. The less than one carload rate;
2. The express rate—double the former;
- A1. Shipments of not less than 5 metric tons;
- B. Shipments of not less than 10 metric tons.

Then there are four special classes applicable to specified articles—

- A2. Shipments of between 5 and 10 metric tons, and I, II, and III, shipments of not less than 10 metric tons; the articles being roughly classified as follows:

Class I includes high-priced articles such as manufactures and grain, the latter for the benefit of the farmers.

Class II, semimanufactured articles.

Class III, low-priced goods or raw materials.

These classes all get reductions at special rates. But there is a further reduction by what is known as "preferential rates," which are "applicable to agricultural and industrial products intended to facilitate imports and exports and increase the traffic of the country."

The official British report on the Prussian railways states that not less than 63 per cent of the freight goes under preferential rates, about 17 on special rates, and only 20 per cent under the ordinary rates or regular tariff. Thus it will be seen that instead of doing away with discriminations government rate-making in Germany has resulted in giving discriminations of one sort or another to 80 per cent of all the freight carried. Even more interesting than the figures are the reasons for these reductions as stated in the same report. The reductions are made, first, as bounties to certain interests; second, as export bounties; third, for competing with foreign transportation; fourth, to support certain special important industries, such as the shipbuilding industry, the Silesian textile industry, and the beet-sugar industry, by conveying their raw materials at cheap rates; fifth, as a special fuel tariff; sixth, for the alleviation of distress due to bad harvests, floods, etc. It will be seen at a glance that these reductions can not be governed by economic reasons, but are, in the main, brought about by the pressure of political and industrial interests, and there must be, and indeed there is, a constant struggle between these interests to secure for each its share of the favors of low rates.

At the same time the railroads of Germany are managed as a revenue-paying branch of the Government, and the determination of the Government to make the railroads yield income tends to keep the rates high and inflexible, except so far as they are modified by preferred and special rates. What the general effect has been is shown by the enormous growth of traffic on the waterways. In 1875 there were 290,000 ton-miles of freight carried per mile of waterway and 410,000 ton-miles per mile of railway. In 1900 the ton-miles of freight per mile of waterway had risen to 1,150,000 and on the railways to only 740,000 ton-miles. In other words, the result of Government management in Germany has been to drive traffic back to the waterways in order to obtain a free movement for freight. There has been a great struggle in Germany for a further development of canals, and the Government proposed a bill in 1900 to spend no less than 339,000,000 marks for new canals. This bill was defeated, but none the less the canal and river business has continued its enormous development. It is a striking commentary on government rate making that both in France and Germany traffic is being driven from the railways back to the waterways,



which were used by men for transportation for thousands of years prior to the invention of steam.

As Germany has worked out government rate making more thoroughly than any other country, it is worth while to take one or two concrete instances in order to show the precise operation and result of discriminations when made by the Government. From 1877 to 1888 the charge for hauling grain remained at something over a cent and a half per ton mile. The agricultural interests of eastern Prussia then petitioned the Government to reduce this charge 66 per cent. The Government replied that it would be an inequitable departure from the scheme of uniform rates, because it would benefit the landowners of eastern Prussia at the expense of those of central and western Prussia, whose markets would then be open to eastern grain. In 1891 the charge was reduced to a little over a cent a ton mile on hauls between 23 and 187 miles. The amount of grain for long hauls increased rapidly, but the government of Saxony protested that their farmers and millers had a natural right to supply the Saxon demand, and should not be interfered with by the Prussian farmers and millers. Bavaria, Wurtemberg, and Baden followed suit, and millers on the Rhine also protested that it would interfere with their business of milling foreign grain, and that they had a natural right to the business of Rhenish Prussia. The result was that in 1894 the old rate of over a cent and a half a ton mile was restored and the various localities of Germany were again shut up by this arrangement of rates to the local producers, who claimed the natural right to their home market.

To take another example, the Ruhr district, which lies east of the Rhine and north of Cologne, is the great coal, iron, and steel producing region of continental Europe. Two hundred and twenty-six miles to the southwest lies what is known as the "Saar district," which is also an iron and coal producing region. The Ruhr district needs some of the ores of the Saar district to supplement its industry, but the railway rates are such that it can not import them, and it brings the ores it requires from Norway and Sweden. The Saar district, on the other hand, needs the coke of the Ruhr district, but owing to the system of railway rates is cut off from it. The Saar district is shut out of the markets of eastern Germany, but it has a practical monopoly of the steel trade with southern Germany and Switzerland. In similar fashion the iron and steel products of the province of Silesia have a monopoly of the trade of Silesia and the points of eastern Prussia. It will be seen that the iron trade of Germany is shut up in districts, and competition in the home product is destroyed except so far as it is maintained by the operation of the waterways.

To take another example; from the center of the Roumanian wheat and corn district it is 1,440 miles to Magdeburg, and the railways should be able to carry wheat and corn over that distance for \$4.75 a gross ton. In the United States wheat is moved for much less over similar distances, but owing to the railway rates of Germany and Austria the wheat of Roumania goes down the Danube 475 miles to the Black Sea, thence 4,765 miles by sea to Hamburg, and thence 185 miles up the River Elbe to Magdeburg. The total charge for a shipment is \$6.66 a long ton, or 50 cents a ton more than it costs to carry wheat from Duluth to Magdeburg, and yet it is much cheaper than the railway charge for carrying wheat 1,440 miles direct by rail from Roumania to the Elbe district of Germany. There is no need to multiply examples to show how government rate making in Germany has hampered the movement of traffic and the course of trade. Every analysis that is made, whether into the sugar industry, the commerce in oil, the trade of the different ports, or anything else, all alike exhibit the same results in impeding freight movement, inclosing different areas with what amounts to high tariff barriers and driving traffic to the waterways for relief.

Taking next the test of cost, it will be seen from the table already given that the average freight charge per ton per mile in cents is 1.22 in Germany as against 0.76 in the United States. Even more significant is the comparison with the level of prices. In Germany, between 1880 and 1899, prices fell 17.6 per cent and railroad rates 14.7 per cent. In the United States prices fell 24.3 per cent and railway charges 41.7 per cent. It is difficult to express the importance of this contrast or adequately to state the vast importance to the business and well-being of the country involved in the fact that our railroad rates went down nearly twice as fast as prices. Nothing, in fact, could demonstrate so clearly and beyond cavil our superiority in railroad management to the rest of the world.

To sum up the results from this brief review of German experience. We find that in Germany Government rate making and management have been carried out with an elaboration and scientific thoroughness unequalled anywhere else. The result

has been the abolition, practically, of rebates or personal discriminations and the multiplication of all other discriminations, extending not only to localities, but to industries, character of articles, and the final destination of the freight. The outcome of this system of discrimination has been to sectionalize Germany and draw tariff barriers around certain regions or districts, and the discriminations have been brought about by the pressure of political, local, and industrial interests, have been taken up by political parties, and have played a large part in national politics and in the legislation of the Reichstag. It is also apparent that, although Germany has managed to make a profit on her railroads, the transportation efficiency is low, the railroads are run with great disregard of public convenience, and rates are 50 per cent higher than our own and are inelastic.

In Germany, which has Government operation practically throughout, and in France, which has very little Government operation and complete Government control of lines privately owned and operated, we find all the important and characteristic features which government rate making and ownership exhibit anywhere. The same results as those I have noted in France and Germany are apparent with unessential modifications in Austria-Hungary, in Italy, and in the smaller European states. It is therefore unnecessary to do more, in considering the experience of other countries, than to glance at Russia, Canada, and Australia, because they all present the element of great area, and Australia and Canada that of recent settlement, which are common to the United States, but which are not found in England or in western Europe.

With an area nearly three times that of the United States, Russia has only (1904) 43,774 miles of railroad as against our 212,000. These figures are an impressive expression of the difference in economic energy between the American people and the people of Russia, and are also instructive as to the comparative value of individual enterprise and that of the military and religious socialism which has hitherto been the Russian system. The State itself in Russia owns and operates over 65 per cent of the railways and is increasing its ownership. In 1887 the council of state asserted the right of the State to regulate all railway rates, so that practically all freight rates in Russia, whether on Government lines or those operated by private persons, are fixed by the Government. The rates in Russia, as will be seen by an examination of the table, approach, on the average, more nearly the average of the rates of the United States than in any other country. This is due to the fact that most of the freight in Russia consists of grain and other articles of large bulk, and that hauls are long hauls as in this country. The low average is also due to the fact that the Russian railways are run at a loss and show a deficit. It is perhaps needless to say that it is comparatively easy to obtain low rates if the railroad is run at a loss, but in order to do this it is necessary to have somebody make up the deficit, and this can only be done in the case of government-owned roads by the taxpayers being forced to make good the losses of operation. Even with this great advantage of running the railroads at a loss the Russian average rate is still higher than the rate in the United States, where the railroads are run at a profit. This illustrates incidentally the inferiority of government management, which is further shown by the fact, sufficiently obvious to anyone who has traveled in Russia, that the railroad lines are laid with slight reference to economic demands, but apparently chiefly for military or strategic reasons. The towns which the railroads are supposed to serve often lie many miles from the line, involving a long haul by carts in order to deliver freight to the railroads. This making the towns and distributing points eccentric to the railroad lines, which extends also to whole areas of population, adds, of course, enormously to the expense of the freight movement, although it does not show itself directly in the rate charged for the railroad transportation alone.

These conditions, it is true, bear more upon the incompetence of government management than upon the effects of government rate making, but if we examine even in a most general way the course of freight rates upon grain, the principal production of Russia, we can see at once the evil effects of the government rate making. Grain is the great product of Russia and it is immensely important to Russia to promote its export. Without going into details, it is enough to say broadly that there has been a protracted struggle between the Government, which has desired, very naturally, to aid in the export of grain, and the local interests, which have objected to low rates on long hauls because it would affect unfavorably the price of grain in those areas to which these local interests felt that they had a natural right. To put it concretely by an example, the landowners and farmers of central Russia have objected strenuously to low rates on grain from remote points, because it tended to lower

the price of grain in the region which they claimed a natural right to supply. There has been a long conflict between these opposing elements and there have been many ups and downs in the arrangement of rates, and yet, although Russia is an autocracy, the pressure of the local interests, political and financial, has been so strong that they have usually prevailed and the long-distance rates have been kept up in such a way as to hamper the movement of grain, to cause congestion of the grain supply in certain places, to force down the price in remote districts, and to raise the price at the port of export. The great grain fields of Siberia have been largely shut up, to the enormous injury of that region, by the successful and zealous opposition of local interests in old Russia. The famines which have occurred in certain parts of Russia when crops have failed in those regions have been in large measure due to the difficulty of moving grain, caused by the rates as well as by the ill-arranged railway lines which have not been able to bring grain cheaply from different parts of the Empire. If we had had rates in this country handled as the rates in Russia have been handled by the Government, the great wheat-growing region of the West could never have been developed, for the farming regions of the East would never have permitted rates to have been made which would have enabled the grain-growing States west of the Mississippi to enter the eastern market in the manner in which they have entered and taken possession of it. Had this course been followed in the United States the great farming population which has given to the East their market for manufactures could never have been built up, any more than it has been possible to build up effectively the vast grain-growing region of Siberia.

This is a mere outline of the results of government rate fixing upon the great staple of Russia, but it is enough to show how government rate making, oscillating one way and another under the pressure of local interests, has impeded the freight movement and arrested the development of the country. We find also in Russia, as we do in Germany and France, the same resort to the rivers and waterways in order to secure the free movement of freight. It is not necessary to analyze further the Russian experience. Government rate making has not removed discriminations, but has merely substituted for those which are necessitated by economic forces, and which in the long run balance each other and cure themselves, hard and fast discriminations made by the Government under the pressure of local, political, and industrial interests.

In Australia we have not only a large country with long hauls, but a new country, and the result of government control there is an interesting one. The great business of Australia is to bring the wool from the interior to the seaports and take back the supplies and manufactures needed by the inhabitants of the sheep-raising, farming, and mining districts. The result has been that the railroad question in Australia has largely resolved itself into a struggle between the various seaboard cities, which constitute one-half the population, for favoring rates. In other words, the conflict in Australia is, in the main, on the question of port differentials. The recent confederation of the colonies came very near being wrecked on this question of rates to the various ports. It was got over by a compromise, which, so far as an outsider can see who reads the reports, settled nothing. It was agreed that there should be no preferential rates, but that there could be differentials; the preferred were defined as illegitimate reductions, and differentials as legitimate. To each colony also was left the right to make rates on their own railroads, and it seems as if the struggle was only postponed and that under the confederation the conflict must break out again whenever it is sought to determine what discriminations are legitimate and what are illegitimate. The system adopted in making rates has been that of tapering, and the result of this has been to concentrate business in the seaboard cities and to abolish all interior basing or distributing points. Basing and distributing points are of great value, because they decentralize, and the Australian rates as arranged tend to cause too high centralization. The absorption of population in the seaboard cities is considered by the statesmen of Australia to be a great evil. There can be no doubt that the movement of population toward concentration in Melbourne, Adelaide, and Sydney set in before there was much extension of the railway systems, but there is no question that it was highly stimulated by the government establishment of tapering rates.

Roughly speaking, the picture which is presented to us by Australia is that of a large population at the ports and a scattered population of farmers, sheep growers, and cattle raisers in the interior, no interior cities and towns with independent life and commerce, and the growth of urban population at a few points, which throws out of balance the entire body politic.

There is no doubt that this situation in Australia and the failure of the country to advance in population is not due to the railroad system alone, but it is equally certain that the system of railroad rates fosters tendencies which all the best judges of conditions in Australia deeply deplore. It will be observed that government rate making in Australia has not done away with discriminations between localities. On the contrary, it has substituted another and more injurious discrimination and has embedded it by process of law in the economic existence of the country. It will also be observed that, whatever the cause, this new country has failed to build up the interior as we have built up the vast interior regions of the United States. To put it a little differently, government rate making in Australia, if it has dispensed with evils of which we complain here, has opened the door and assisted the growth of evils much more serious in their nature and much more detrimental to the sound and healthy development of the country.

In Canada they have a railway act which confers powers of the most sweeping kind upon a government commission. The act was not assented to until October 24, 1903, and has not been in practical operation for much more than a year, so that it is almost impossible to draw any conclusions as to its workings. It is worth notice, however, that the act contains two clauses which show that the commission has full power to make discriminations:

#### DISCRIMINATIONS.

2. The tolls for larger quantities, greater numbers, or longer distances may be proportionately less than the tolls for smaller quantities or numbers, or shorter distances, if such tolls are, under substantially similar circumstances, charged equally to all persons.

3. No toll shall be charged which unjustly discriminates between different localities. The board shall not approve or allow any toll which, for the like description of goods or for passengers carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, the shorter being included in the longer distance, unless the board is satisfied that owing to competition it is expedient to allow such toll. The board may declare that any places are competitive points within the meaning of this act.

It is also worthy of notice that despite the fact that the act gives almost autocratic powers for rate making it has been discovered that it does not cure discriminations. The question came up in a debate in Parliament last April, and it was then pointed out that Canadian railroad rates were much higher than American rates and that Canadian shippers were thereby handicapped in the market. It was also declared that freight from Michigan procured lower rates over Canadian lines than similar freight from points in Canada, although the Canadian points were nearer the port of destination.

The act has been in operation so short a time that it is not possible to make deductions of value, but it is already apparent that it has not cured discriminations but has produced others of a similar nature, as has happened in all other countries where government rate making has been attempted. The act, in fact, recognizes that discriminations must be made, and proposes to transfer them from the workings of economic forces to the action of a government board. There is no reason to suppose that the results in Canada under such a system will be different from the results under similar conditions in all other countries.

If now we review the experience of all other countries, taken as a whole, we find a singular uniformity of result so far as general principles are concerned. This examination shows us that it is not only entirely possible to abolish all discriminations between persons—that is, all rebates or undue preferences—but that this has been actually and effectively accomplished in other countries. It is not necessary to differentiate between the methods employed in the several countries, for whether, as in England, railroad regulation has been effected through the establishment of a railway commission court, or, as in France and Germany, by the simple operation of direct government control, the conclusion on this point is the same. It is proved beyond a doubt that personal discriminations can be utterly extirpated, and if it has been done in other countries it can be done here by suitable legislation.

On the second point of excessive rates the experience of other countries demonstrates that whatever good effects government rate making has had it has not lowered rates, but, on the contrary, has made them not only higher but inelastic. Where, as in Russia, rates are low, although not so low as ours, the railroads are run at a loss and the loss is made good out of the pockets of the taxpayers. In England, with maximum rates fixed by Parliament in a schedule and the prohibition against raising rates without the consent of the railway commission court, the rates are higher than ours, inelastic, and do not decline in accordance with the fall of prices, or, indeed, in any substantial degree.

On the continent of Europe generally rates are 50 per cent



higher than ours and show the same quality of inflexibility and the same lack of adaptation to changing conditions which we find in England. We have the lowest average freight rates in the world, and yet our railroads are run at a profit without, of course, a dollar of expense to the taxpayer. Government rate making in this country—directed as it can only be against place discriminations and excessive rates—therefore, if the experience of all the rest of the world is of any value, and I regard it as conclusive, would either not reduce the rates at all, or, if it did reduce the rates generally, it would destroy the profits of the roads and lower the wages of those employed upon them unless we accepted the other alternative of Government ownership, with the roads run at a loss and the people taxed to carry them on. The idea of many persons who have been urging Government rate making in this country appears to be that Government rate making will lower freight rates. In seeking popular support that is one of the inducements they hold out, and yet it is as clear as anything can possibly be that it will be impossible to reduce rates arbitrarily and suddenly by Government action without destroying the profits of the railroads and lowering the wages of those employed upon them, or else forcing Government ownership and placing upon the shoulders of the taxpayers the gigantic burden of running 200,000 miles of railroad at a loss. So far as excessive rates alone are concerned, it seems to me perfectly obvious from the experience of other countries that there should be no legislation, because if legislation is attempted the results will be disastrous in ultimately raising rates and in making them inflexible, and will produce a far worse condition than now exists under the play of natural forces.

The third and last point is that of discrimination between localities. The experience of other nations shows that government rate making has not stopped discriminations in the slightest degree. It has substituted discriminations made by the Government for the discriminations which are brought about by economic forces, the competition of markets, and the action of business interests. It hardly, I think, needs argument to show that discriminations forced in this way through political action would be peculiarly unfortunate in the United States, and that the combinations of political interests would make discriminations, which would be in the long run more oppressive than those which come into existence by the natural competition of business interests and the working of economic forces. That discriminations which arise in what may be called the "natural" way have in some instances been created to serve the selfish ends of individuals intrusted with the management of railroads is undoubted, but the history of our railroad development shows that these are constantly being reduced in number, and that the laws of competition and the necessity of earning money are certain to cure them in the long run. Moreover, the discriminations which exist in what may be called the "natural" way have the immense advantage of not leading to those results so apparent in Germany, where the pressure of local and political interests has forced the establishment of rates which have broken the country up into sections and thrown around each section a barrier higher than those which any tariff could create, in obedience to the entirely false principle that any given town or city or any given area of country is entitled by its neighborhood to the sole possession of the region and the population immediately surrounding it.

That discriminations between localities exist under our system, which work injustice, it would be folly to deny, but it would be a still greater folly to establish a new series of discriminations, working a larger injustice, in the hope of curing the original inequalities. To get rid of the inequalities which exist is eminently desirable; but it is much better to submit to those than to create more and worse inequalities by another system which experience has proved to be worse. In this direction, therefore, it seems to me that we ought to proceed with the utmost caution. Whatever attempt to remedy place discriminations we may make, we should so guard it as to avoid applying a remedy far worse than the disease. The experience of the world leads me to doubt most seriously whether any Government rate making, with a view to curing place discriminations, can be affected without bringing a change for the worse; but if it is to be tried at all it ought not to go beyond the fixing of a maximum rate by the Commission, with the most absolute protection against hasty or prejudiced action through provision for an appeal to the courts of the country. This certainly is as far as we can safely go, unless we are prepared to disregard entirely all the teachings of experience and all the wisdom of those who are authorities upon railway economics.

In closing this consideration of the lessons of experience in regard to the relation of the railroads to the Government I wish again to insist upon the magnitude of the problem. I am

not arguing this question because I am a friend or an enemy of the railroad. I have no personal interest in railroads whatever. Such small interests as I once had I parted with before I took up the study of the subject in order that I might be wholly free from any conceivable bias. I am looking at the railroad system simply as one of the greatest forces in our modern economic life, upon which the prosperity of the country and its trade and commerce are more dependent than upon any other. It is in this way and with this spirit that Congress should approach the discussion of this question. Many of those who are loudest in denunciation of the railroads, and who assume to speak for the people of the United States, confuse their own personal hostilities and, in some cases, their own desire for revenge with the public interest, which has no grudges to satisfy and which seeks only to promote the general welfare. Even the shippers who especially cry out for sympathy, it is well to remember, have shared, in some instances at least, in the rebates and personal discriminations which could not have existed without their seeking and collusion, and mistake occasionally the disappointment caused by a failure to secure preferences themselves for a righteous indignation which aims solely to redress a public wrong. It is the fashion with many persons to talk about the railroads as if they were a great mechanical monster, a Frankenstein, which was striving to devour the people of the United States who created it. This is a false and misleading conception. The President of the United States, in his message to Congress on December 3, 1901, said:

It must not be forgotten that our railroads are the arteries through which the commercial lifeblood of this country flows. Nothing could be more foolish than the enactment of legislation which would unnecessarily interfere with the development and operation of these commercial agencies.

Not only is this statement of the President profoundly true, as indicating the part which the railroads play in our commercial and industrial life, but it must also be remembered that the idea so sedulously disseminated, that the railroads are merely the property of a few men and run for their selfish interests, is without foundation in fact. The vast capital invested in railroads and distributed in the form of stocks and bonds is held by thousands of persons, many of whom have most moderate means. These securities largely constitute the securities of savings banks, in which are laid up the hard-won earnings of the working men and women of the country, and if we injure or destroy these securities we only affect slightly the great capitalists, but we bring misery and misfortune and poverty to thousands of persons whose little all, either in their own names or that of the savings banks and the trust companies, has been placed in the railroads of the country. It is well also not to forget that the high-paid men who are at the head of the great lines of road are but a handful in comparison with the great body of people who earn a secure but modest livelihood in the operation of railroads. There are between two million and a half and three million of people whose livelihood is dependent upon railroads. To force by ill-considered legislation a reduction in the earnings of this great body of people would be a cruel injustice, but that is just what we shall do if we do not consider well the steps we take.

The prosperity of the country is knit up with the well-being of the railroads, but it is also to be remembered that the profitable existence of the railroads depends upon the prosperity of the country. There is no body of people—and they constitute one-seventh of our population—so profoundly interested in the prosperity of the United States as the people, great and small, who own our railroads, who operate them, and who work for them. It is preposterous to suggest that the railroads of the country are hostile to its well-being and eaten up by a short-sighted selfishness which would lead them to destroy any industry or injure any locality. We all want to see the waste places built up, but no one desires it so much as the owners and managers of our railroads. We all want to see the settled and established sections of the country thrive, but to the railroads the well-being of such places is a matter of life and death. The great cry of the moment is the need of foreign markets. The expansion of our foreign trade in the last nine years has been marvelous, but that which has enabled us to enter into foreign markets more efficiently than any other one element has been our system of railroad transportation. If you cripple that system, if you force it into the position of the systems of Europe, you end at once all prospect of successful competition in the markets of the world. A sudden and ill-considered revolution in our methods of railroad management would bring on a business panic, reduce wages, and probably carry disaster to our trade and commerce in a degree which it is impossible to estimate.

For those reasons we should proceed with the utmost care. I consider it essential that we should have proper legislation in regard to the railroads, that there should be Government super-

vision and regulation, that we should stop the intolerable abuse of rebates or discriminations between persons, because if we do not we may find ourselves precipitated into that worst of all disasters, Government ownership. But it is equally essential that the legislation we undertake should not itself lead to Government ownership, the dangerous pitfall we are seeking to avoid. It is vital that this legislation should succeed, but it can only succeed by being effective against the evils which it can cure, while it proceeds with the utmost care in those directions where experience has shown that some of the remedies now proposed have introduced evils far more unbearable and far more injurious than those which it was sought to remedy.

Two dangers seem to me to menace this legislation. The first is that in the desire to have rates fixed in some form by an executive commission, exercising powers delegated to it by Congress, we shall fail to give an effective remedy for the worst evil which has arisen, that known as "personal discriminations." Whatever else governmental rate making can do, it can not by the mere fact of its existence do away with an offense which consists in the evasion of an established rate. The result of a failure to deal with what, to my mind, is the real and, I am strongly inclined to believe, the only real evil of the present conditions would be to discredit the law, convince the people that it was insincere, and thus promote an agitation in favor of that worst of all evils, Government ownership. Whatever else is done or left undone, no pains should be spared to render the law effective for the absolute extirpation of personal discriminations or rebates. That which is to be feared as to rebates is that the law will not go far enough and will not be intelligently effective.

The second danger which is involved in this legislation is that the rate making by the Government, which can only affect excessive rates and place discriminations, will go too far and will bring on evils far more serious than those it is designed to cure. The lessons to be learned from the experience of other nations confirm this view and admonish us to proceed in this direction with the utmost caution. We should not go too far in rate making by Government—surely not beyond conferring the power upon an executive commission to make maximum rates. The Commission charged with this great duty, upon the just performance of which the stability of business and of credit, as well as the welfare of thousands of people will so largely depend, should be established and organized with the utmost care. In tenure and salary the office of Commissioner should be made acceptable to men of the highest character and ability, and the chairman of the Commission should, as in England, be taken from among the judges of our circuit courts.

Finally, there should be ample provision for an appeal to—or, more properly, a review by—courts of competent jurisdiction sitting in equity, not only as to whether the rate is confiscatory, but also whether it is just and reasonable, and an arrangement should be made by law for the rapid disposition of all such cases.

All these conditions, as I understand it, are laid down in the legislation recommended to Congress by the President of the United States. In his message of December 5, 1905, he says:

In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

Last autumn, on October 22, 1905, a distinguished member of the Administration, the Secretary of War, speaking at Akron, Ohio, said:

These results convinced those familiar with the law and anxious that it should operate effectively, that the two changes necessary were, first, a provision authorizing the Commission in declaring a rate to be unreasonable to declare at the same time what was a maximum reasonable rate, and to make an order requiring the company to reduce its rate to that maximum; and, second, that the law should, under proper penalty, require obedience to the order of the Commission and thus compel the carriers to treat the order with proper respect, reserving to them the opportunity to avoid its operation by a resort to the Federal court, and a setting aside of the order by judicial super-seas or final decree.

The two short amendments to the present law I have just described are all that the President has recommended to Congress. He regards them, for the reasons I have attempted to state, as essential to an effective interstate-commerce law.

A little later the distinguished Senator from Pennsylvania, very recently a member of the President's Cabinet and a most eminent lawyer, speaking, as it was understood, with the approval of the President, said at Pittsburg on November 5, 1905:

There is no order that can be made by any commission or board now existing, or which it is proposed to create, that can change a rate or practice that is unreasonable or unjust without its order being sub-

ject to review in a judicial proceeding in the United States circuit court upon the ground of the unreasonableness of the order of the commission, and there is no law that does and probably no law could be enacted that could prevent the court, if satisfied that injustice had been done the railroads, from staying the operation of the order upon terms until the court had passed upon the merits of the controversy.

No device can cure the objection to suspending the operation of the Commission's finding until passed upon by the court. Of course I do not mean that, in an independent proceeding begun in the court, the court could not, in the exercise of its discretionary powers, when satisfied that the rate fixed by the Commission was unlawful, enjoin its operation until a final hearing. That is a power that inheres in the court that need not be conferred by statute and probably can not be taken away by statute.

The Commission should have the power, if it finds the complaint well founded, to declare what shall be a just, fairly remunerative, and reasonable rate or practice to be charged or followed in place of the one declared to be unreasonable.

This order of the Commission should take effect within such reasonable time as shall be prescribed by the Commission in the order, and should be final, subject only to attack for unlawfulness in the Federal courts, where it would have to stand or fall upon its merits.

A year ago what was known as the "Esch-Townsend bill" came over from the House, containing in the first section the following clause:

But at any time within sixty days from date of such notice any person or persons directly affected by the order of the Commission, and deeming it to be contrary to law, may institute proceedings in the court of transportation, sitting as a court of equity, to have it reviewed, and its lawfulness, justness, or reasonableness inquired into and determined.

This clause, which fully embodies the principle of review by the courts, had the nearly unanimous approval of the House of Representatives.

The distinguished Member of the House who has had charge of the bill which has just passed that body, introduced last year a bill which contained the following provision:

But any common carrier affected by the order of the Commission, and deeming it to be contrary to law, may institute proceedings in the court of commerce of the United States, sitting as a court of equity, to have such order reviewed and its reasonableness and lawfulness inquired into and determined. Pending such review, if the court shall be of opinion that the order or requirement of the Commission is unreasonable or unlawful, it may suspend the same until the further order of the court, in which event the court shall require a bond of good and sufficient security, conditioned that the carrier or carriers petitioning for review shall answer all damages caused by the delay in the enforcement of the order of the Commission, which shall include compensation for whatever sums for transportation service any person or corporation shall be compelled to pay pending the review proceedings in excess of the sums such person or corporation would have been compelled to pay if the order of the Commission had not been suspended.

Speaking of his bill on February 9, 1905, Mr. HEPBURN said:

I have had in the preparation of the bill that I have the honor to present the aid of his suggestions and his counsel in regard to essential provisions. I have had that of his Attorney-General, that of other members of his official family. I made many alterations and many changes from time to time, as it seemed to me wise and best, to carry out the wise suggestions of his message. I prepared a rough sketch of the bill, the general principles of which met with his approval. With these aids I improved it, perfected it, and got it into that shape that was thought to be best. It again met with his approval in all its general scope and features, although some of the minor matters were not discussed with him. It was my pleasure and it was my great advantage to have the assistance of the Attorney-General. That bill met with his approval.

Let me further say that, being somewhat timid about my own knowledge with regard to the language conferring jurisdiction upon courts, fearful of faulty phraseology, having had but little service in courts for twenty-four years, after it was completed and its general features were approved as being in harmony with the recommendations of the Executive I asked the Attorney-General to have that bill put in legal phraseology with especial reference to those features relating to court procedure.

In the bill that I introduced, every word of it, save two, was prepared in the office of the Attorney-General; there were two words changed, one—by the mistake of the printer or copyist—the word "district" was used instead of "circuit." I changed the word "thirty" for "sixty." I had a motive just and justifiable: I believed that with the machinery I had prepared for the review of the findings of the Interstate Commerce Commission, with the speed that might be possible and would be probable in the administration of that law, that in the great majority of the cases where the findings of the Commission were not accepted by the carrier they would be disposed of by the courts within the sixty days.

From this it will be seen that a clause providing for an appeal as to the justice and reasonableness of the rate fixed by the Commission not only had the approval of the author of the bill which has just passed the House, but that that clause was drawn by the present distinguished Attorney-General of the United States.

Therefore, Mr. President, it is clear that the policy laid down by the President, declared in public speeches by those authorized to speak for him, approved by the author of the present House bill and by the present Attorney-General, who drafted the court clause in that bill, and adopted, so far as the courts are concerned, only a year ago by the House of Representatives, embodies the principles of the maximum reasonable rate established by the Commission, and the subsequent review of such rate by the courts, if their aid is invoked, to determine not merely



- whether the rate established by the Commission is confiscatory, but whether it is lawful, just, and reasonable.

To this policy I gave my adhesion, and for a proper bill, embodying these principles, I propose to vote. I confess that I do so with reluctance, for I have the gravest doubts as to the wisdom of government rate making even in the most limited form, but so important does this legislation seem to me, so essential do I think a proper regulation and supervision of the railroad system, that I am not willing to oppose it, even if I do not feel satisfied as to some of its features. But if this policy which I have described is to be modified, the case will assuredly change. There seem to be now prophets of a new dispensation, who wish to depart from the line marked out by the President in his message and accepted in the House bill of last year by removing so far as possible from the proposed law all proper provisions for review by the courts. This seems to me to strike at the very heart of the measure. I am anxious to see this legislation, but I can not assent to any restriction upon the right of an American citizen to seek redress in the courts of the country. I am not yet prepared to substitute for the courts of the United States an executive commission. A proper solution of this railroad question is of vast importance, but it sinks into nothing compared with the primary duty of preserving to every American—high or low, rich or poor—free access to the courts of the country. I am quite aware that no statute can take away the constitutional right of a citizen to appeal to the courts if an attempt is made to take his property without due process of law. In other words, legislation can not prevent an appeal to the courts if it is alleged that the rate is confiscatory; but this is a very narrow ground and a very limited right. A rate may not be absolutely confiscatory and yet may be in the highest degree unjust and unreasonable, and indeed well-nigh ruinous. I am not sure that it would be possible to deprive a citizen by legislation of the right to appeal to the courts as to the justice and reasonableness of a given rate, which is a purely judicial question. But no attempt ought to be made, either directly or indirectly, by silence or by assertion, to destroy this privilege or, rather, this right. If delays are feared it is easy to make arrangements by law which will compel the swift disposition of these railroad cases. If it is a question as to maintaining a rate pending an appeal, either by bonds or by paying the money into court, loss to the party successful in the suit can be prevented. None of these objections have any real weight. But the distrust of the courts, the inclination to refuse an explicit statement of the right to such a judicial review of the Commission's decision as are now manifested, are ominous in the extreme. Nothing could be more alarming to reflecting men than the disposition shown by some persons to transfer to the legislative and executive branches powers pertaining to the judiciary, and thereby deprive the citizen of the most fundamental and sacred of rights.

The right of trial by jury is guaranteed to every citizen by the Constitution, and like unto it is his title to his day in court. In trial by jury and in an independent judiciary are to be found the very corner stones of liberty. They stand in history side by side with the Magna Charta of England and the Declaration of Independence of the United States. If every other protection were swept away, while trial by jury and an independent bench of judges shall survive, life, property, and personal liberty will still be safe and sheltered. The right to trial by jury and to the writ of habeas corpus were firmly established among the English-speaking people everywhere long before our Revolution, but the judges were still largely under the control of the Crown. So deeply did the great men who framed the Constitution feel this that one of the leading and governing principles of their action was to secure in the organic law the complete separation of the judiciary from the legislative and executive branches of the Government. The great court which they then established in the Constitution has been, of all its many memorable features, that which has most attracted the admiration of the world. To that court we owe the protection and development of the Constitution under Marshall, and it has always been the upholder and defender of ordered liberty and of personal rights, whether threatened by the rich and powerful or put in jeopardy by popular excitement or by excesses in legislation.

No one would pretend that judges have never decided wrongly, that the law's delays never wrought injustice, or that the courts have not in the administration of the criminal law often given too great weight to technicalities which were once a refuge from a bloody code, but which, with the softening of manners, have become a mere obstruction of justice. To assert otherwise would be to say that the courts were infallible, and that can be said of nothing human. But as we look back over the

long vanished years, as we contemplate the movements of our daily life, we should be blind indeed if we did not perceive that many of the greatest and most enduring victories in behalf of human freedom have been due to the wisdom and courage of the courts and that day by day substantial justice is rendered unnoticed and unmarked in the countless controversies which arise between man and man. The courts are the greatest bulwark of the order of the state and the liberty of the people. It will be an evil day when they decline in character or when we lose faith in them. It will be hardly less evil if we try by any statutory device to exclude from the courts any American citizen who would seek their protection for his life, liberty, or property. We are about to pass a great measure from which, I hope, great good may come, but one which in its operation will affect the property and interests of millions of our fellow-citizens. It should be guarded with scrupulous care, but above all it should provide that no man should be deprived of his opportunity to go to the courts in defense of his rights if he thinks those rights are invaded.

Mr. PERKINS. Before the Senator from Massachusetts takes his seat, I should like permission to ask him one question on a phase of this subject-matter which inadvertently he passed over. I do this because the distinguished Senator has an enviable reputation—a national reputation—as a student of economics, and this rate question is one which is agitating the public mind in every State of the Union, perhaps more particularly so in the State I have the honor in part to represent.

The three evils which the Senator complained of were, first, rebates or discriminations between individuals, companies, and corporations; second, rebates or discriminations between different towns and cities, and, third, excessive rates, for which he had a remedy—that of competition.

The phase which the Senator failed to treat upon is that of pooling. To illustrate it, if three railroads reach into the Dakotas and there are a million tons of wheat for export out of the Dakotas to other markets and those three railroads agree to divide the proceeds of the rate they have agreed upon for the transportation, is not that one of the great evils which he should have added to the three he enumerated and against which as representing here the people we ought to legislate?

Mr. LODGE. I understand the question to refer simply to the feature of excessive rates because of failure of competition. My reply is that, in the first place, our rates to-day are the lowest in the world on the average, showing that economic forces in their natural play have brought the rates down. Second, that where such a case exists as the Senator describes we are not left to the competition of the roads alone, but there also comes in the competition of the markets and the competition for possession of the world's trade and meeting the world's price, which the railroad has to do whether it is in a pooling arrangement or not. My own belief is that the natural economic forces will settle rates so far as an excess is concerned—the Senator will understand I am confining myself to that—by the competition of the markets, by the play of natural forces, and by the certainty that if rates are put up to a point where it would make it profitable for some one else to come in he will come in. But, as a matter of fact, I think the working of economic forces disposes largely of the Senator's question, because, taking the great average of the rates all over the country, they are the lowest in the world and have enabled us to meet all competition in foreign markets.

Mr. ALDRICH. The case suggested by the Senator from California is covered by a prohibition contained in the present law.

Mr. LODGE. Of course. We have a law against pooling; I knew that; but I understood the Senator to put a hypothetical case.

[During the delivery of Mr. LODGE's speech the Vice-President announced that the hour of 2 o'clock had arrived and laid before the Senate the unfinished business, being Senate bill 529, known as the "shipping bill," when, on request of Mr. GALLINGER and by unanimous consent, the unfinished business was temporarily laid aside.]

Mr. TILLMAN. In connection with the discussion we have just had, wherein the Senator from Massachusetts [Mr. LODGE] gave us such an illuminating speech, I have had my attention called to a dispatch from Berlin in the Washington Post of this morning, and I should like to have it inserted in the Record without having it read. I do this simply because I wish to save time. The headlines are "Our railways in bad light—Prussian rates are lower and fewer people are killed." It relates to the report of Privy Councillors M. Hoff and F. Schwabach, who came over here at the instance of the Prussian Government to examine into and report the facts.

Mr. KEAN. Fewer people are killed in Prussia because fewer people travel there.

Mr. TILLMAN. I am not going to enter into the merits of the controversy, but I merely called attention to the fact that the statements of the Senator from Massachusetts are denied by the Prussian experts who have been here to examine and report on the conditions in both countries.

Mr. KEAN. I will ask the Senator whether there is anything in the article about freight rates.

Mr. TILLMAN. Freight and passenger rates.

The VICE-PRESIDENT. In the absence of objection, the article will be printed in the RECORD.

The article referred to is as follows:

OUR RAILWAYS IN BAD LIGHT—PRUSSIAN RATES ARE LOWER AND FEWER PEOPLE ARE KILLED.

BERLIN, February 11, 1906.

Privy Councillors M. Hoff and F. Schwabach, whom the Prussian Government sent to the United States in 1904 to study American railroad systems, have just published an exhaustive work on their findings which is attracting much attention in the German press. Herren Hoff and Schwabach make many striking comparisons of the American and Prussian railroads, often to the disadvantage of the former. They quote official statistics showing that per million passengers carried the American roads killed six times and wounded twenty-nine times as many of them as the Prussian roads.

The writers found that the average passenger rate in America was 2.02 cents per mile, against 0.98 cents in Prussia, while freight rates nominally average 0.78 cents per ton mile in the United States, against 1.36 cents in Prussia. This comparison, the authors affirm, is fallacious, because it ignores some essential facts. The American statistics, they say, include freight carried for the railways themselves, while the Prussian statistics show only pay freights. On the other hand, the American statistics exclude high-class goods carried by express companies, which class is included in the Prussian figures. Furthermore, they say, the American roads receive immense sums for carrying the mails and the Prussian lines almost nothing, and besides the latter carry a volume of postal packages for which the American roads get large extra sums from the express companies.

If conditions were equalized at all on these points, Herren Hoff and Schwabach figure that the American average for freight would be 1.44 cents per ton per mile and that of Prussia 0.95.

The original cost of construction of the Prussian lines was 65 per cent higher per mile than that of the American roads.

#### HOUSE BILLS REFERRED.

H. R. 13104. An act to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905, was read twice by its title, and referred to the Committee on the Philippines.

H. R. 13456. An act for the relief of James McKenzie, was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 13542. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture, was read twice by its title, and referred to the Committee on Public Lands.

H. R. 7139. An act legalizing the removal of the county seat of Washita County, Okla., was read twice by its title, and referred to the Committee on Territories.

#### URGENT DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, disagreeing to the amendments of the Senate, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

WILLIAM J. GROW.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1098) granting an increase of pension to William J. Grow, which was, in line 8, to strike out "twenty" and insert "twenty-four," so as to read "twenty-four dollars."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OSCAR R. ARNOLD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 943) granting an increase of pension to Oscar R. Arnold, which was, in line 8, to strike out "twenty-four" and insert "thirty," so as to read "thirty dollars."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### RAILROAD DISCRIMINATIONS AND MONOPOLIES.

Mr. TILLMAN. Mr. President, I ask unanimous consent to return to the order of business "Reports of Committees," in pursuance of a request I made this morning; and I send to the desk a joint resolution which I am authorized by the Committee on Interstate Commerce to present and ask immediate consideration of it.

The VICE-PRESIDENT. The Senator from South Carolina makes the following report from the Committee on Interstate Commerce—

Mr. TILLMAN. It is not a report, except this—

The VICE-PRESIDENT. The Senator from South Carolina reports from the Committee on Interstate Commerce a joint resolution. Is that it?

Mr. TILLMAN. That is it, sir.

The VICE-PRESIDENT. The joint resolution will be read.

The joint resolution (S. R. 32) instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, was read the first time by its title and the second time at length, as follows:

Whereas persons engaged or wishing to engage in mining and shipping bituminous coal and other products from one State of the United States to other States of the United States complain that they are treated unjustly by common carriers engaged in interstate carriage, in that they, being independent operators without influence with and in whose business common carriers or their officers have no interest, are unjustly discriminated against, and undue preference is given to other persons in whose business the officers of common carriers are interested, or in traffic in which the common carrier is interested, either directly or indirectly, and that undue preference or advantage is given by such common carriers to the shippers of coal from mines in which said carriers or their officers are interested, either directly or indirectly; and

Whereas it is further alleged that the bituminous coal and other traffic above referred to is controlled by a combination of common carriers by means of stock ownership, or other instrumentalities, directly or indirectly, thus creating a monopoly in restraint of trade: Therefore be it

Resolved by the Senate and House of Representatives in Congress assembled, That the Interstate Commerce Commission be authorized and instructed to immediately inquire, investigate, and report to Congress from time to time as the investigation proceeds—

First. Whether any common carriers by railroad, subject to the interstate-commerce act, they or any of them, own or have any interest in, by means of stock ownership in other corporations or otherwise, any of the coal or other products which they or any of them, directly or through other companies which they control or in which they have an interest, carry over their or any of their lines as common carriers.

Second. Whether the officers of any of the carriers aforesaid, or any of them, or any person or persons, or any of them, charged with the duty of distributing cars or furnishing facilities to shippers are interested, either directly or indirectly, by means of stock ownership or otherwise, in corporations or companies owning, operating, leasing, or otherwise interested in any coal mines, coal properties, or any other traffic over the railroads with which they or any of them are connected or by which they or any of them are employed.

Third. Whether there is any contract, combination in the form of trust, or otherwise, or conspiracy in restraint of trade or commerce among the several States, in which any common carrier engaged in the transportation of bituminous coal or other products is interested, or to which it is a party; and whether any such common carrier monopolizes or attempts to monopolize or combines or conspires with any other carrier, company or companies, person or persons to monopolize any part of the trade or commerce in bituminous coal, or other traffic among the several States, or with foreign nations, and whether or not, and if so, to what extent, such carriers or any of them limit or control directly or indirectly the output of coal mines or the price of coal.

Fourth. If the Interstate Commerce Commission shall find that the facts set forth in the three paragraphs above do exist, then that it be further required to report as to the effect of such relationship, ownership, or interest in coal or coal and other traffic aforesaid, or such contracts, combinations in form of trust, or otherwise, or conspiracy or such monopoly or attempt to monopolize or combine or conspire as aforesaid, upon such person or persons as may be engaged independently of any other persons in mining coal and shipping the same, or other products, who may desire to so engage, or upon the general public as consumers of such coal and other products.

Fifth. That said Commission be also required to investigate and report the system of car distribution in effect upon the several railway lines engaged in the transportation of bituminous coal or other products as aforesaid, and whether said systems are fair and equitable, and whether the same are carried out fairly and properly; and whether said carriers or any of them discriminate against shippers, or parties wishing to become shippers, over their several lines, either in the matter of distribution of cars or in furnishing of facilities or instrumentalities connected with the receiving, forwarding, or carrying of coal as aforesaid.

Sixth. That said Commission be also required to report as to what remedy it can suggest to cure the evils above set forth, if they exist.

Seventh. That said Commission be also required to report any facts or conclusions which it may think pertinent to the general inquiry above set forth.

Eighth. That said Commission be required to make this investigation at its earliest possible convenience and to furnish the information above required from time to time and as soon as it can be done consistent with the performance of its public duty.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the consideration of the joint resolution just read. Is there objection?

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



Mr. TILLMAN. Mr. President, it will be observed by those who have listened to the reading of the joint resolution that it is very comprehensive and covers a very wide field of investigation. It will also be observed that it is a joint resolution which has the force of law and must pass both Houses of Congress before it becomes effective.

I will state here that the basis of the joint resolution in most of its terms is the resolution introduced in the House of Representatives last week by a member of that body, Mr. GILLESPIE, of Texas, which is now pending before the House Committee on Interstate Commerce simply as a House resolution. Of course it is easy to see that if the Senate shall pass the joint resolution the House committee, if it coincides with our view that a searching investigation is required, can take Mr. GILLESPIE's resolution, amend it, change it to a joint resolution, report it, substitute the Senate joint resolution for it, and pass it, and we can get the whole machinery of investigation in motion. The question is whether or not the House will do it.

I wish to give some reasons, Mr. President—I think it is due to the Senate that some should be given—why at this stage of the proceedings in dealing with railways I have thought it necessary to begin so searching an inquiry. I have been a member of the Interstate Commerce Committee of the Senate for eleven years, and I have had more or less to do with various propositions submitted to us from time to time dealing with the railways of the country. I am not as well informed on the subject as I would like to be, but I have some very clear convictions as to the evils which exist, and I have also some very strong desires to contribute, so far as I may be able, toward a proper and just solution of this vexed problem.

Any man who is silly enough to approach it in any other frame of mind than that of recognition of its overshadowing importance, its complexity, its vital importance, I may say, to millions of our people—all of them, in fact—is lacking in that common sense which at last is the essential basis for all decent consideration of public questions. It is a great question. In some of its aspects, when you begin to scrutinize and analyze, one is compelled to see that there are so many perplexities and so many conflicting interests and so many contingencies that anything like radical or ultra legislation would work incalculable harm, and I for one stand here to disclaim any purpose or desire to injure the railways of the United States, to rob them or take from them the right that is inherent in every property owner to have a fair return for the money invested.

We find, however, upon a cursory examination of conditions—and a very cursory one will suffice—that the old idea of competition has been destroyed utterly in this country, not only in this particular, but in many others, and in its place have come combination, consolidation, the organization of large bodies of capital under the direct control of a very few individuals, who are thus enabled by concert of action to produce the trusts and monopolies which are now grinding the people to death.

This is a funny world, Mr. President, and the older I grow and the nearer I get to the confines of that "undiscover'd country from whose bourn no traveler returns" the more am I convinced and the more clearly I see the absurdity, the contradiction, the ridiculousness, if I may use such a term, of human nature; and I do not hesitate to say now that a more stupendous farce than the one which is being played in the Congress of the United States, with 80,000,000 or 85,000,000 people looking on, as an audience, has never been enacted in the world's history.

We find, looking around the field a little, taking cognizance of what we read in the papers day by day, that the President of the United States is constantly in the public eye. He is heralded in the public press as the chief agitator, inspirer, leader in the effort to emancipate the people from the grinding exactions and outrages being perpetrated upon them by the railroads of the country. You can not pick up a paper from any part of the country that you do not see somewhere in it allusion to the fact that President Roosevelt has won his fight; that he is standing pat; that he has not budged one inch; that he does not yield to the importunities of the friends of the railway magnates, and all that kind of thing. Congress as a coordinate branch of the Government charged with making laws, and hardly ever mentioned. It is all and always the President's fight, the President's victory, etc.

And when you examine further and consider the actual conditions, what do you find? You find that President Roosevelt has as his two chief advisers—I am only speaking from the current reports in the newspapers—as the men upon whom he chiefly relies, Elihu Root, a man of profound legal ability, high character, and all that kind of thing; a man whom I admire and respect, too, but who is known absolutely and indisputably to have been, during his career as a lawyer, the closest adviser

and in fact the attorney in many instances of railway magnates in New York City, who are primarily at the root of all the devilment that is abroad in the land in regard to railway management. Who is the other? An honored member of the Senate, a former Attorney-General, the junior Senator from Pennsylvania [Mr. KNOX].

These two great lawyers are now given the task, as the people are informed, to provide instrumentalities by which the people's rights shall be protected and their interests guarded from the oppressive and exacting and tyrannical and outrageous robberies by the railways. Mr. KNOX and Mr. Root are now the instruments of the President, the advisers of the President, in framing this legislation. Of course the Attorney-General, another great lawyer, is in the ring or among the conferees charged with a very serious duty. When you look back at Mr. KNOX's antecedents you find that he has been—I do not know for how many years—in the employ of the Pennsylvania Railroad; has been its warmest or closest friend and counselor, its attorney, as I am informed, and when you look further to see which one of the railroads and which man in charge of a railroad is most deeply concerned in the oppressive and tyrannical and outrageous exaction of the railways, you find the Pennsylvania Railroad and Mr. Cassatt at the head of the list, and therefore we have the spectacle of the people of this country being bamboozled with the story sent abroad every day from this press bureau or that that the President is depending upon the Secretary of State and the Senator from Pennsylvania to assist him in framing this great statute for the protection of the masses against the classes.

I do not want to appear too suspicious. Possibly I am naturally critical. I have thought sometimes if I had a genius for anything it was for fault-finding. Therefore I would disclaim at the outset any purpose to reflect in the slightest degree upon the integrity of purpose and the patriotism of these true and tried counselors of the Executive. But, recalling recent history, I am bound to say that I would like it better, and I would sniff less at the meat—to liken this law it is proposed we shall enact to a dish—I would sniff less to see if there was not some poison in it if it had not had such cooks.

The Senator from Massachusetts [Mr. LODGE] a few moments ago declared, with his air—you-can-not-possibly-dispute-me air—that the railroads were necessary and anxious to have the territory tributary to their lines developed; that the proposition is self-evident, and therefore indisputable. But the proof that has already been produced in this Chamber in the communication from the Red Rock Fuel Company and the communication from the governor of West Virginia goes to show how absolutely false is the assumption that a railroad always desires the natural and proper development of the territory tributary to its line.

If there were not so much evidence of the insincerity—or I had better say the apparent insincerity—of those charged with the execution of our laws, that they are cognizant and have been cognizant for several years, certainly for many months, of one case after another involving the identical principles underlying those which brought on the Northern Securities suit, and yet the Attorney-General has done absolutely nothing—I say if there were not so much evidence piled up to show that this zeal for the protection of the people is apparent, not real; that it has no sincerity behind it, that it is not honest, I would give more credence and be more willing to surrender my suspicions. But I am a plain, blunt man myself. I do not know how to practice the arts of deceit or chicanery or hypocrisy, and therefore when I see people parading their zeal and patriotic impulses for the public welfare when there is so much opportunity for that zeal to bear fruit and yet nothing is done, I naturally and necessarily feel that there must be something wrong.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Pennsylvania?

Mr. TILLMAN. With pleasure.

Mr. KNOX. I have just returned to the Chamber, and I have been informed that some reference was made to me, and it was stated that I had been counsel for the Pennsylvania Railroad. If I was informed correctly, I wish to say that the Senator is entirely mistaken. I never sustained the relation of counsel to the Pennsylvania Railroad either permanently or temporarily, directly or indirectly, at any time during my professional career.

Mr. TILLMAN. I am very glad to have the Senator disclaim that. I have seen it stated in the papers.

Mr. KNOX. I only make the statement lest I be misunderstood about the matter, not that I think it would be necessary to apologize for such a professional relationship.

Mr. TILLMAN. Not in the slightest. I have no purpose or intention of reflecting on the Senator. Every lawyer has the right to accept a professional fee from any honest and decent

source, railroads included. He has the right and it is his duty to give honest and able services to the best of his ability to do so. I therefore am glad to have the Senator say to us and to have the country know that these stories that have been going about to the effect that he was elected to the Senate of the United States as the representative of the Pennsylvania Railroad and is here in their interest are false. I will respect him more for the balance of my life, regardless of what else may happen, because of the fact that he was not so associated.

Mr. KNOX. Mr. President, then I wish to say to the Senator that a great deal has been accomplished by my refuting the story.

Mr. TILLMAN. The Senator does me too much honor to imagine that my personal opinion is of any value to him at all. I am glad he has the slightest appreciation of it.

But it can not be denied, I imagine, that Mr. Root has sustained intimate relations with the great railway corporations of New York City. It is not to his discredit that I am saying that. I am only trying to bring out this phase of the subject, because I see men preparing railroad-rate legislation who all their lives in a professional way have been engaged in these various legal combinations and trickeries, and I do not know what other things, but any string of adjectives that you want to use that will describe the process by which one railroad has continued to swallow another, until we have only got about five great systems out of the 200,000 miles in the country, and if you will examine the record you will find that practically those five are controlled by boards of directors who are so closely allied and so near akin in business relations that we have undoubtedly a railway trust in this country which controls, directs, manages, and, in the estimation of some people, is robbing the people of the country.

My language may be a little harsh. It may be going too far. I do not intend to be vitriolic and let my words express more than I feel; but I myself feel very deeply the condition of my own part of the United States, controlled absolutely by a corporation owned in New York, without a solitary opportunity down there to have any word in it except as a suppliant, with very little chance to do anything toward getting any redress; and I have understood from what I read that this same situation obtains practically throughout the country. Anyhow, it is shown in evidence that the entire country south of the Potomac and east of the Mississippi is dominated wholly by three railway corporations who have absorbed and combined and bought up or united with all the others; and that all three are controlled by the Pennsylvania and its brother in iniquity, the New York Central. This is believed by all well-informed persons.

I want to put this little document, after I read a few lines from it, not in the RECORD, but have it printed as a document. It is a "Petition to Theodore Roosevelt, President of the United States, by the Receivers and Shippers' Association of Cincinnati, Ohio." It was sent to the President June 1, 1905. It has been there more than eight months. I will simply read the conclusion, after marshaling the facts and producing the evidence at which these petitioners arrive:

Wherefore your petitioners respectfully ask that you will instruct the Attorney-General of the United States to begin proceedings in the United States court—

1. To enjoin the Southern Railway Company and the Atlantic Coast Line Company from acquiring or attempting to acquire further stock of railroad companies in the southern territory, and from voting the stock which they now hold in railroads other than the stock of their own companies, and from exercising or attempting to exercise any control, direction, supervision, or influence whatever over the acts and doings of said other railway companies, and to secure such other relief on behalf of the people of the United States against said illegal combinations, conspiracies, and monopolies as the law and equity of the situation demand.

2. To institute proceedings in equity to dissolve the said Southeastern Mississippi Valley Association and Southeastern Freight Association, and to enjoin the company's subscribers thereto, and all and each of them, from further agreeing, combining, conspiring, and acting together to establish and maintain rules, regulations, and rates for carrying freight upon their several lines of railroad, and to secure such other relief on behalf of the people of the United States against said illegal combinations, conspiracies, and monopolies as the law and equity of the situation demand.

3. To enjoin the Southeastern Mississippi Valley Association and the Southeastern Freight Association from carrying into effect the joint agreements entered into between them, and from continuing to agree, combine, conspire, and act together to establish and maintain rules, regulations, and rates for carrying freight upon the several lines of railroads whose companies are directly or indirectly parties to said agreement, and to secure such other relief on behalf of the people of the United States against said illegal contracts, combinations, conspiracies, and monopolies as the law and equity of the situation demand.

4. To enjoin the companies parties to the meeting in New York City from carrying into effect the agreements entered into at said meeting, and from continuing to agree, combine, conspire, and act together to establish and maintain rules, regulations, and rates for carrying freight upon their several lines of railroad, and to secure such other relief on behalf of the people of the United States against said illegal combination, conspiracy, and monopoly as the law and equity of the situation demand.

That is the essence; that is the conclusion of the arguments and facts presented to the President by this association of Cincinnati merchants and business men.

Mr. President, I ask that this book be printed as a Senate document, only such parts as I have read to be incorporated in my remarks.

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

Mr. TILLMAN. Now, Mr. President, in order to get the matter immediately in interest, I am going presently into this question of merger and consolidation, to point out the neglect of duty by the Attorney-General. Probably I had better do it right now, because having already introduced that it would look a little odd to leave it standing by itself. I therefore recall to the attention of the Senate the charges or statements of fact made in the letter of the Red Rock Fuel Company and in the letter of the governor of West Virginia as to the situation in that State. I found last night in my mail because of somebody—I do not know who was kind enough to send it to me—this volume of Public Addresses by Gov. A. B. White, 1901-1905. Gov. A. B. White was the predecessor of Governor Dawson, and instead of Governor Dawson making known to the country a situation that was new and had just come about, I find here that Governor White in his first message makes this remarkable statement:

There is now no competition among the three great trunk lines traversing this State, because they are all under the same control, and that control is that of a foreign corporation, possibly more concerned in the development of another State. Railroads should not have the right to say for whom they will haul freight, how much they will haul, in what direction they will haul it, nor to fix absolutely the rates of hauling. Being common carriers and public highways, they must be open to all on precisely the same terms, and these must be reasonable. It is intolerable that these highways can be used to build up one individual or interest and to tear down another. I know the argument of enlightened self-interest—

That of the Senator from Massachusetts, to which I have just alluded—

that it is to the interest of a railroad to develop the territory it traverses by being fair and just. But this is not sufficient. Experience has proved that under more favorable conditions than those that now obtain it was not sufficient; and especially can we not trust the operation of self-interest when the railroads of one State are controlled by another of a foreign State, which foreign railroad is probably more directly interested in the development of the other State, and more especially as the principal product, so far as railroad freight is concerned, of this State comes somewhat in competition with the principal product of the other State. This is shown by the fact that the tonnage of coal carried by this foreign railroad in its own State increased 6,000,000 tons last year, while the tonnage of our own State showed no appreciable increase. If the railroads which are situated to do the business of West Virginia had given our shippers the necessary facilities our output of coal the past year would have approximated 30,000,000 tons instead of 23,000,000, and our output of lumber would have shown a proportionate increase.

Here is another governor of West Virginia, the predecessor of the present governor, calling attention to a condition of merger, of outside control, of conspiracies in restraint of trade, all of which are indictable under the original Sherman law and also under the Elkins law. Therefore we find that this condition of discrimination, of injustice, of wrong, and robbery has gone on from bad to worse; and it is only after the people of the country, sleeping quietly and peacefully, as is the habit of the masses, voting their party tickets under the influences which usually govern in such cases, oblivious of the great underlying and active forces that are revolutionizing trade and business, are at last aroused. They are beginning to wake up even in Pennsylvania. The poor, besotted Pennsylvania legislature, if I may use such a phrase, which has been said time out of mind for the last twenty-five or forty years to be owned body and soul by the Pennsylvania and the Reading railroads, I believe I saw in the newspapers two or three days ago has at last awoke to the fact that the people of Pennsylvania showed at the last election by a change of 600,000 Republican votes around to the other side that they were sick unto death and tired. This legislature tumbles over itself to pass a resolution instructing the attorney-general of that State to inquire and take action to see if the constitution of that State has been violated in the matter of the ownership of coal mines by railroads—something that is known of all men to have existed for a quarter of a century or more; and the anthracite coal output has been fixed in quantity and fixed in price beyond any possibility of dispute by reason of the fact that the limited area of anthracite coal lands is penetrated by only three roads, I believe—the Lackawanna, the Reading, and the Pennsylvania, and the Pennsylvania either itself or through its allies controls all those; and therefore, as I said, it is the head devil in the whole programme of monopoly.

There is another little exhibit that might perhaps have attracted the attention of an Attorney-General who is zealous in the discharge of his duties, who wanted to see that these combinations in restraint of trade and these mergers are brought to book in the courts and an effort made to undo them. I hold in



my hand an advertisement clipped from the New York Herald of February 9, 1906. I will have it put in the RECORD without reading the whole of it.

Twenty million dollars Pennsylvania Company 4 per cent fifteen-year five year gold loan of 1906. Due April 1, 1931, with the option to the Pennsylvania Company to redeem all, but not any part, of the issue on April 1, 1921, or on any interest date thereafter, on giving ninety days' notice. Principal and interest unconditionally guaranteed by the Pennsylvania Railroad Company. Interest payable semiannually on April 1 and October 1 in New York. Principal and interest payable without deduction for any tax or taxes, which the trustee of the Pennsylvania Company may be required to pay, or retain therefrom, under any present or future law of the United States of America or of the Commonwealth of Pennsylvania. Girard Trust Company, trustee. Coupon certificates in denomination of \$1,000 each with provision for registration of principal.

The above loan is to be secured by the obligation of the Pennsylvania Company, the pledge of \$10,000,000 par value of the common stock of the Baltimore and Ohio Railroad Company; \$14,000,000 par value of the common stock of the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company; \$4,000,000 par value of the stock of the Vandalia Railroad Company, and by the unconditional guaranty of the Pennsylvania Railroad Company.

A large amount of the above loan having been sold, the undersigned offer the unsold portion for subscription at 100½ per cent, with interest adjusted to April 1, 1906, from which date the loan bears interest.

The subscription list will be opened at the office of the undersigned at 10 o'clock a. m. on Wednesday, February 14, 1906, and will be closed at 3 o'clock p. m. or earlier on the same day, the right being reserved to reject any applications and to allot smaller amounts than applied for.

Allotments made upon subscriptions are to be paid for on March 1, 1906, against temporary receipts of the trustee, which will be exchangeable for actual certificates as soon as ready. The amount payable on that date, with interest adjusted to April 1, is \$1,001.66 per \$1,000 certificate.

For further details as to the above loan, reference is made to the agreement relating thereto, copies of which may be obtained at the office of the undersigned.

Application will be made to list the above loan on the New York Stock Exchange.

New York, February 9, 1906.

KUHN, LOEB & CO.,  
William and Pine streets.

It is a very innocent-looking little advertisement. These people have grown so utterly indifferent to governmental control and conditions in Washington, they have such a saving faith in the innocuous character of the thundering from the White House and from the Attorney-General's office, that they boldly advertise the fact—and the report of the Interstate Commerce Commission sent to the House last week proves it—that they control not only the Baltimore and Ohio and limit its coal shipped to market, but control the Norfolk and Western and the Chesapeake and Ohio, and those are the three railroads that cover West Virginia. And the Attorney-General is very busy, at the instance of his Chief, to have the country believe that this is a simple and innocent financial transaction; that there has been nothing unlawful in it; that it is nothing in restraint of trade; that there is the freest liberty of action and opportunity for development, until the Red Rock Fuel Company comes forward and states the fact, the bald, the outrageous fact, that the Baltimore and Ohio people denied them the right to connect their spur with the Baltimore and Ohio line and refused them any outlet to market, even though the Interstate Commerce Commission, after trial in the courts, issued the order.

These fellows snap their fingers in the faces of the people and of the people's representatives here, and say, as a celebrated financier of New York said once, "The public be damned! What are you going to do about it?" And then we are told by the newspapers: "The President stands firm;" "The President does not mean to yield one jot or tittle;" "he will not be coerced or bamboozled or persuaded to give way to the railway influences;" "he is going to stand by his original declaration." What was his original declaration? I will not go back to the original, but I will go back to the revised edition, the last one in the message. Our Executive does not always put in his messages things that he says in his speeches. He thinks them out and gets them in his mind and speaks them, and then sometimes boils them down under advisement from some of those friends of mine on the other side who can get his ear occasionally and tell him, "You had better take that out." But here is what the President said in his last message:

In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—"the maximum reasonable rate," as it is commonly called—

Now, here is the milk in the coconut—

this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

Now, the whole trouble here, if there be trouble—I am not so sure that there is, but the apparent trouble—is that there is a very strenuous effort being made to persuade the President to

agree to put into the Hepburn bill as it has come to us an express provision which shall say in terms that there shall be an appeal to the courts, etc. I do not know the language; I have never been allowed to see it; but Messrs. Root and Knox are prayerfully considering it, I am told, and it may be the momentous words will come to our eyesight sometime in the near future. But the trouble is to keep the President from flying the track and granting to the railways a provision in regard to an appeal which will not allow the decision of the Interstate Commerce Commission to go into effect at once, or within thirty days, but leave it to the judge to say, by supersedeas or injunction, "This rate is unreasonable; it is confiscatory; you must not put it into effect because it is unconstitutional," and all that kind of thing.

I know that there is the right of appeal to a court to right any wrong that can be shown to exist; and I would be the last to take it away from any man or any corporation, for it is in the Constitution itself in language which declares that you shall not take private property for public use without due process of law. It is there, and being there it is sufficient; and if the President of the United States sees fit under threats—I have heard there were threats; I do not know, but, anyhow, under pleading, or by threats on that side; if he stands firm, if he holds fast to the end, if he does not yield that crucial point, then I shall have more faith in the sincerity of purpose and honesty of intention of this whole agitation.

Mr. FORAKER. Mr. President—

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

Mr. TILLMAN. With pleasure; always.

Mr. FORAKER. I wish to ask the Senator from South Carolina if he does not think there ought to be a proper provision in this so-called "Hepburn bill" for a review by a court of the action of the Commission?

Mr. TILLMAN. Mr. President, that depends entirely on what the Senator from Ohio would mean by the word "proper."

Mr. FORAKER. One that would allow anybody, a party to a proceeding, who felt aggrieved by an order made, to appeal to a court for a review and the judgment of the court as to whether or not it was a right and proper order.

Mr. TILLMAN. I should be perfectly willing to have the right of appeal given if you will permit the decision of the Interstate Commerce Commission to go into effect pending the appeal. Otherwise the poor devil who is endeavoring to get redress for excessive rates on freight will be dragged from one court to another for three years at least, and will be so deterred by the length of litigation and the expenses, and possibly the accompanying destruction of his business interests in the meantime by such behavior as has been shown to us by the Red Rock Fuel Company, that he might just as well go into bankruptcy at once and close out his affairs.

Mr. FORAKER. The bill does provide that the order shall go into effect at once, and it will if the bill shall be passed, as I hope it will not be in the form in which it is. Does not the Senator think it would be proper to leave to a court to decide whether or not there was any equitable or just cause for the suspension of the order until the party could be heard?

Mr. TILLMAN. It would depend entirely on the phraseology that the Senator might employ as to whether or not I should agree to that. As at present advised, I stand by the President's original position, that nothing we shall do here in the way of legislation shall prevent the decision of the Interstate Commerce Commission from taking effect within thirty days, at least, and remaining in effect until the court has reviewed the case and decided whether or not there was error in the action of the Commission.

Mr. FORAKER. Mr. President, I should like to ask the Senator just one other question, and that is whether or not he thinks the so-called Hepburn bill meets the requirements of the President's recommendation, or whether or not it more than meets the requirements of the President's recommendation?

Mr. TILLMAN. Mr. President, I said a little while ago that there was a great game of opera bouffe or farce going on here, and I stand by my suspicions. I believe there are too many words in the Hepburn bill. It is a maze of words through which you can stumble, and every man will disagree as to what it means. They disagreed in the House anyway. One man says it means thus and so, and another man says that is not so; it is not in there; and so you go.

Mr. FORAKER. Are we to understand then, from the remarks made by the Senator from South Carolina, that he is entirely satisfied with the Hepburn bill?

Mr. TILLMAN. I certainly am not entirely satisfied with the Hepburn bill. [Laughter.] I hope to offer some amendments that will cover these phases of the railway question that

I have just been alluding to in West Virginia, that, as far as I can understand the English language, are entirely unprovided for; but I will ask the Senator from Ohio if he is entirely satisfied with the Hepburn bill?

Mr. FORAKER. Mr. President, I do not have to be satisfied with it.

Mr. TILLMAN. Well, would the Senator vote for it?

Mr. FORAKER. If the Senator will allow me, if I had been satisfied with that bill, after I heard the speech of the Senator from Massachusetts [Mr. LODGE] this morning I certainly would not have been satisfied with it any longer.

Mr. TILLMAN. Well, I want to ask the Senator—

Mr. FORAKER. The Senator from Massachusetts thoroughly convinced me that I was right in my position on rate legislation.

Mr. TILLMAN. The Senator from Ohio is a very great lawyer and one of the most forceful and clear-headed men in argument I have ever listened to. It is always inspiring to me to have him get up and elucidate a point, because he goes at it so energetically and so earnestly; but the Senator has catechised me in regard to the Hepburn bill, and I have answered very frankly that I do not like it. I should now like to ask the Senator, after he has said he does not like it, whether he is going to vote for it?

Mr. FORAKER. Mr. President, I am not going to vote for it.

Mr. TILLMAN. Then I am glad of that, but I am sorry that the Senator from Colorado [Mr. PATTERSON], who is such a stickler for Senatorial independence, is not here to give the right hand of fellowship to the Senator from Ohio.

There is another Senator who refuses to bow to party caucuses.

I want to say here and now the reason I had for introducing the joint resolution looking to a thorough and searching investigation was because, notwithstanding the month or more that we devoted to hearing witnesses, making inquiries of witnesses, and cross-examining them last summer in the Interstate Commerce Committee, there is so much yet unknown that it is necessary to know in order to legislate intelligently, that I feel almost willing to say, notwithstanding the agreement that has been made by the members of the Interstate Commerce Committee—if I may disclose the secrets of the committee, though they have already been given to the press—that I want more light before I agree to vote for a bill that may contain half a dozen snakes in it, much less the one which was charged against the Senator from Iowa [Mr. DOLLIVER] last week.

We are dealing with the most important question that this country has before it to-day. It is a vital question, and I find nothing in this bill, which the people are taught to believe will make everybody happy and do away with all cause of complaint—I find nothing whatever in it, so far as I can understand the English language, which will grant relief to the Red Rock Company or to any other company which is the private owner of coal lands, bottled up by the corporations running by their doors, although they are public carriers who presume to exercise the right, and to enforce it, that they will not give cars to these people because, forsooth, they themselves or their friends and associates own coal lands up there, as I understand. The output must be limited in quantity to suit—I will not say the convenience, but the greed of the real controlling interest in Pennsylvania—the Pennsylvania Railroad. There is nothing of the kind in the Hepburn bill except by implication.

I want a provision in any railroad law that I vote for which will be somewhat along the line which the gentleman from Ohio [Mr. GROSVENOR] drew up, but did not introduce in the House, that will prohibit any public carrier from owning and controlling a product which is carried over its line. I want this monopoly of the anthracite coal region, which is to-day the instrumentality through which the American people are robbed of from sixty to one hundred million dollars a year, checked. I want a provision in this law, or in some law which we shall pass through Congress, which will prevent any monopoly of the bituminous coal lands on the Atlantic slope by the Pennsylvania Railroad and its allies; and you have not got it in this bill. It is not there. If there is anybody here who asserts that it is there, let him read the language and try to show it. Yet you talk about the rate-making business as the principal cause of complaint, and you say you are going to redress the grievances of the shippers, when you leave the coal of an entire State—several thousand square miles of it—subject to this condition.

The Baltimore and Ohio and its allied roads, under the dictation and control of the Pennsylvania Railroad, can say to the owner of coal lands, "You have got coal down there that may be valuable, and we know it, but we have coal lands of our own and our friends have; we do not propose to have you compete with

us; you shall not have the benefit or the facilities of our railways as a public carrier; we will haul coal until we have exhausted our own mines and those of our friends; and your grandchildren or your great-grandchildren may enjoy the coal that lies under your land if by that time we have not squeezed you out or other railroads are here to offer facilities of shipment." That is the abuse I am after as much as I am after the rate-making business. We have no coal in South Carolina, but we have to buy it; and I do not like to have somebody in Tennessee or elsewhere levying tribute of a dollar and a half or two dollars a ton over what it costs. I am going to offer an amendment in committee, and if I do not get it in the bill there I am going to offer it in the Senate, looking to redressing and righting and preventing this particular wrong. But knowing the condition in the Senate and the condition of mind in which the country now seems to be, the people having faith in the President's integrity of purpose and honesty of intention, looking to him as the great Moses to lead them out of the wilderness, depending wholly on his wisdom and that of his advisers, I want to see the Senate legislate intelligently.

We are under a cloud. We all know that. The newspaper press agencies, however controlled, getting their inspiration from whatever source—I do not know exactly what, but I have my suspicions—have educated the people of this country to believe that they are dependent solely upon Theodore Roosevelt, that the Senate is the servile tool and agent of these corporations, and that unless the whip is cracked and we are compelled to fall in line and take his ipse dixit they will get no relief.

We have now a peculiar and anomalous situation in the bill sent here by the House of Representatives. With only seven votes in the negative, it is so practically unanimous that one would say he must be a bold man to get up and declare against it; a bill which had so many wise lawyers and patriotic statesmen engaged in framing it, which came originally to us from the Attorney-General under the very wing of the President, everybody with any wisdom in law in the Republican party consenting, so to speak, in writing it, and saying, "Here, Pete, pass this." [Laughter.] But when Pete gets up to explain it, he wobbles about through the bill, and swears things are in it which nobody else can see, and swears things are not in it which everybody who knows the English language can see are in it, why, then, should I not be suspicious? Why should I not want the Republican majority and the Democratic minority to perform their function in legislating here advisedly and in the light of facts?

We have got enough facts for me, but they will say, "Well, the Red Rock people are lying; the governor of West Virginia may be mistaken; the two governors of West Virginia may misunderstand the facts." Therefore, I brought in the resolution—and I ask the Senate to pass it and hope the House will do likewise—instructing the Interstate Commerce Commission, which has facilities for investigation, which has trained experts at its command, to take this matter up, to go through it, and, if they go about it in the way I hope they will, certainly they will begin to uncover some fire somewhere in a week or two.

We had better wait here until June before we pass any legislation on the railroad-rate question rather than fail to pass such as will be wise and best; and certainly we had better pass none at all rather than pass something that will fool the people after all the anger and the arousal which has come about among them, and which will be greatly inflamed if they learn next year or the year after, when the Supreme Court has got through with it, that his mass of words, these thousand or more phrases and fines, all doubled and twisted and muddled up, had in them a loophole through which, with a little stretching, you can drive, not only an automobile, but a whole freight train. [Laughter.]

There is danger of just such a catastrophe.

At the suggestion and solicitation, in a sarcastic way, of two distinguished Senators on the other side, who are on the committee with me—Messrs. ALDRICH and FORAKER—I prepared a little bill that I defy any lawyer here or anybody else or any court to prevent granting redress in the rate business. It goes right to the meat of the question; it has not got an extra word in it; it accomplishes the purpose which the President says he desires, but of course it will never pass. I will never get a vote on it. It does not deal with this question of monopolies. That is already dealt with to a considerable degree by the Elkins law, under which all restraints of trade, all combinations, and so forth, are prohibited and punished.

We have shown by the decisions of the court in the Northern Securities case that you can stop these mergers, but the trouble all along here is this: You stop them. Then they say, "Well, we have obeyed your order," and they go right around and transfer or swap about or work up some chicanery or trickery under the leadership and inspiration of great lawyers like Mr.



Root and others, and then the same thing goes right on, and the combination is carried out, but these people, Mr. James J. Hill and his confederates, do not obey the orders of the court. You will never stop this devilment until you put some millionaire in prison with stripes on him. That is my honest and earnest belief.

I presume, of course, that nobody will for a moment object to the investigation, and that the Senate will pass the resolution without any man voting against it. I will read here something that ought to make everybody willing to pass it, because it is a matter that invites inquiry. I suppose it will be asked why a Senatorial committee shall not investigate it, because we know better how not to do it than any people on the top of God's green earth. [Laughter.] It is for the simple reason that the Committee on Interstate Commerce has no time that I did not undertake to have that committee charged with the grave and responsible duty of looking into these questions that are disputed by some.

Here is another item [exhibiting] that is clipped from the Post of yesterday—"Mr. Cassatt not afraid." Here is another one from the Philadelphia Inquirer, which I will read:

PITTSBURG, PA., February 10, 1906.

That rebates amounting in the aggregate to millions have been granted to the Standard Oil Company by the Pennsylvania lines, and that small feeder lines have been frozen out by unjust discrimination in rates and unfair distribution of cars, are facts which it is said tonight have been gathered from the records and accounts opened to President Roosevelt's agents who are at work here.

Why does the President's agent take so long when the facts are so clear and so plain? The Northern Securities business was a very simple process. Only \$30,000 were paid into the receiving company. Thirty thousand dollars in cash was advanced, and with that \$30,000 as a basis they issued \$400,000,000 worth of stock, and with that \$400,000,000 of stock they went about to the various railroads which they wanted to consolidate, and said: "Here, we will take your road and we will give you so much of the holding company's stock;" and they said to others they could get so much stock, and so on, and so on. Then the Government took a hand in the matter, and under the leadership and legal attainments of our friend from Pennsylvania [Mr. Knox] they won. But who denies the fact that the New York Central and the Pennsylvania in conjunction own or control lines that do own a controlling interest in nearly every railroad east of the Mississippi River? The President knows it; or, if he does not, there is no use of the Interstate Commerce Commission to report it for they have it there practically; and here you go.

The President knows these things, and his Attorney-General sits down and sends his agent to Harrisburg, which used to be a cesspool of rottenness, but it is getting quite respectable and decent now. We may then hope that in about five or ten years from now there will be enough facts gotten upon which to base a lawsuit to stop some of these combinations; yet the country is led to believe religiously that they have no protector, no hope, no chance to get redress, and no opportunity, unless they cling to the coat tails of the President and follow him blindly. I would rather have a little more action and less profession. I would like to have some overt act and honest effort to show that these illegal combinations were broken up or tried to be broken up.

We had a spectacle once, not very many years back—and I alluded to it in the Senate on a previous occasion—of the Attorney-General, Mr. Griggs, of New Jersey, retiring from the office of Attorney-General, going to his home, and immediately taking the case of the Northern Securities Company against the United States, against Attorney-General Knox, who was then in office. It was another case of archangels like that described by Byron in *The Vision of Judgment*, where Michael and his former comrade, Satan, were brought to court as attorneys to try the case to see whether George III's soul should go to heaven or not.

Yet still between his Darkness and his Brightness,  
There pass'd a mutual glance of great politeness.

[Laughter.]

So we have it. The Attorney-General and the ex-Attorney-General—the present Attorney-General so far has not been engaged by any railroad that I know of that is fighting the Government—I mean our friend the Senator over there who used to be in that office. And Mr. Moody—I have nothing in criticism in him. I am just watching him and praying that he will not take always to examine before he will bring some suits upon the evidence already in his possession and easily accessible to him if he had any honest purpose of trying to accomplish anything in regard to the rebate business.

I want to recall a little transaction a very short while back

in which a member of the Cabinet was brought to book in a case before the Interstate Commerce Commission for granting rebates. I find "In the matter of the Transportation of Dressed Meats and Packing-House Products," before the Interstate Commerce Commission, this testimony:

Mr. DAY. Mr. Morton, the Commission wants to know the concessions that have been made during the past year; take the year 1901, or the last part of it, or eight months of the year; what concessions have been made from the established tariffs in the transportation of packing-house products and dressed beef or dressed meats by your road?

Mr. MORTON. We have carried the business from Kansas City to Chicago for 5 cents less than the published tariff to Chicago and Chicago Junction points.

Mr. DAY. Domestic as well as export?

Mr. MORTON. Both.

Mr. DAY. How long have you been doing that?

Mr. MORTON. We did it, I think, about April 1; we commenced to do it from the beginning of the year, at which time there was a general declaration of good faith and intention of an absolute maintenance of rates. We maintained the rate until April 1. We carried, I think, about 2 per cent of the business from Kansas City to Chicago. We bring into Kansas City about 33½ per cent of all the live stock brought in there.

Commissioner FIFER. What per cent?

Mr. MORTON. About 33½; and we were not satisfied with the proportion of the product that we were getting out. I do not know that rates were being cut via Chicago or via St. Louis, but we do know that we were confronted with a condition, not a theory, and we could not get any business unless we met the conditions, which we did. We told one of the largest shippers in Kansas City that if they would come and ship with us we would give them 5 cents reduction from the tariff, and in order to get them we had to promise to do it for a year—I think until the 1st of July of this year, 1902. Ordinarily on tariff rates we ought to carry 20 to 25 per cent of the business from Kansas City, where the rates are equal by all lines. Our justification for taking this business was that we were carrying less than 10 per cent of what we thought we were fairly entitled to.

Then a little further on I find the following:

Mr. DAY. How was this traffic billed out?

Mr. MORTON. Billed on the tariff.

Mr. DAY. How was the adjustment made?

Mr. MORTON. By cash.

Mr. DAY. At the time?

Mr. MORTON. Later.

Mr. DAY. It was billed at the tariff and the tariff was collected?

Mr. MORTON. The tariff was collected.

Mr. DAY. Were there claims presented for settlement?

Mr. MORTON. Statements.

Mr. DAY. Presented to whom?

Mr. MORTON. To our freight department.

Mr. DAY. Approved there?

Mr. MORTON. Settled there.

Mr. DAY. They did not go through the auditing department?

Mr. MORTON. The vouchers went through the auditing department—many vouchers for specific accounts. These shippers that did not sign any vouchers—some settlements have been made through connecting lines.

Mr. DAY. Who were the settlements made with?

Mr. MORTON. The shipper.

Mr. DAY. Any more than one?

Mr. MORTON. Yes, sir.

Mr. DAY. Who were they?

Mr. MORTON. The packing-house owners. Do you want the names?

Mr. DAY. Yes, sir.

Mr. MORTON. The principal shipper was the S. & S. Company, but settlements have been made with other people shipping at the same time.

Mr. DAY. Made directly with the houses or through their agents?

Mr. MORTON. Through their agents that have charge of that particular branch of the business.

There is a confession of the then vice-president of the Atchison, Topeka and Santa Fe Railroad Company that he paid rebates contrary to law; and then when in another case, the Coal Company case, proceedings were had before the Interstate Commerce Commission and the facts were brought out that the railroad had granted rebates contrary to an injunction, evidence was produced before the Interstate Commerce Commission that the managers of the road had undoubtedly granted more rebates in spite of the injunction. I called for the papers here by resolution six weeks ago. They came here and the complicated doubled and twisted methods of getting around the law necessitated photolithographs, so that they have not come in from the Printing Department yet. It takes a long time to get anything that exposes any of these people high up. It may be we will get them after a while. I hope so, or else I hope the Senate will go after those people with a stick and make them come to time.

But, I assert, whatever may have been the innocence of Mr. Morton, the evidence that the traffic manager or the men in authority had granted rebates in spite of the injunction, is not disputable, and that is a queer railroad which has a vice-president or other man in authority who has things going on in his road and in its management which are unlawful and contrary to his orders without his knowing it.

Messrs. Harmon and Judson were invited by the Government to take the case and prosecute it. They found they could not get the testimony upon which to convict without getting out proceedings in contempt. When they asked the Attorney-General for authority to go after the head man or head men of the Atchison, Topeka and Santa Fe, they were told, "No evi-

dence whatever exists of the guilt of the Secretary of the Navy, Mr. Morton. Therefore you can not enter that proceeding. You must stop where you are." The attorneys resigned. They found that the prosecution was not made in good faith, and that the Department of Justice was only honeyfugling with the public. Therefore the thing dropped, and Mr. Morton, having resigned from the Navy, with the confession of rebates on him, made by his own mouth, and the proof hanging over him, if it had been allowed to be brought out, that he had disobeyed the injunction of the court, is promoted and made head of the great insurance organization in New York, which has been the stamping ground for as dirty a lot of thieves as ever walked God's green earth.

They took a man with this nice clean record and put him in charge of these hundreds of millions, which are the savings, so to speak, of the widows and orphans who are beneficiaries of policies in that insurance company. Yet here we go. The White House is immaculate. Nobody doubts, at least I do not doubt, Theodore Roosevelt's purpose and integrity and patriotism. As I stated the other day, he is monstrously persuaded by some people who get around him and honeyfuge him with flattery. I am afraid it is true. I do not know what their methods are. Whatever the methods may be, he stands by his friends. He gave Morton a certificate of good character, and so on.

Here is another phase of the subject which will be the final scene in this comedy, as I have tried to depict it; a sort of a tragedy, too. I find in the Post of February 10 this dispatch from New York:

[Special to the Washington Post.]

NEW YORK, February 9, 1906.

It is practically certain that an effort will be made to indict Judge Andrew Hamilton on a charge which will permit of his being extradited from France. It was learned on good authority to-day that Attorney-General Julius Mayer believes action can be taken against Hamilton on the facts contained in the report of the Fowler investigation committee, and that the State authorities will have to act in the event of nothing being done by District Attorney Jerome.

Mr. Jerome left town for Lakewood, Conn., this afternoon, to be gone until Monday. He refused to say anything about insurance affairs. Attorney-General Mayer has taken the stand all along that it is Mr. Jerome's duty as prosecuting officer of the county to handle the criminal end of the insurance scandal without any interference by the State authorities, and it was said to-day that that is the attitude which the attorney-general's office takes in the matter.

#### WITHIN GOVERNOR'S POWER.

It is possible, however, for the governor, acting on the advice of the attorney-general, at any time to issue instructions for the impaneling of a special grand jury to hear evidence on a criminal charge.

Of the findings against Hamilton by the Fowler committee, this one attracted special attention to-day:

"No other conclusion would seem to be permissible than that Hamilton used for his own purposes \$75,000 of the proceeds of the check of June 6, 1904, delivered to him for the purpose of paying the State tax."

Attorney-General Mayer expressed his opinion of the Fowler committee report to-day. He said: "After studying the legal propositions involved I am convinced that the courts will hold that payment of political contributions was unauthorized and in violation of law."

#### IN THE SAME CATEGORY.

"Do you place legal expenses for which no satisfactory accounting has been rendered in the same category with political contributions?" "Yes," was the attorney-general's reply.

When Mr. Mayer referred to the payment of political contributions as being in violation of the law, he meant the civil, not the criminal, law.

The attorney-general's attitude in this matter means that John A. McCall will probably be held liable for the \$148,000 which the New York Life contributed to the Republican national committee under his instructions, and also for any other campaign contributions that may be turned up by the Fowler investigating committee as having been authorized by President McCall.

Right in the same paper, as illustrating the progress of events, we find this:

The President entertained the executive committee and officers of the Republican national committee at dinner last evening. Those present were Mr. George B. Cortelyou, Mr. Harry S. New, Mr. Cornelius N. Bliss, Mr. N. B. Scott, Mr. Franklin Murphy, Mr. Charles F. Brooker, Mr. William L. Ward, Mr. R. B. Schneider, Mr. D. W. Mulvane, Mr. George A. Knight, Mr. Elmer Dover, Mr. J. A. Tawney, Mr. F. H. Hitchcock, Mr. William F. Stone, Mr. Charles H. Duell, and Mr. L. A. Coolidge.

The President has been elected nearly a year and a half, and never has it been found necessary or desirable to bring these friends of his—these true and tried lieutenants and counselors in his last race for the Presidency—to dine with him. The inevitable conclusion, in my mind—at least it ought to be, if it is not—is that these people were brought together to confer how the money could be raised to help poor old McCall out of the bog into which he has sunk and refund the \$148,000 which he stole from the policy holders of the insurance company and contributed to the campaign fund of the national Republican committee. I do not know that it was mentioned. If not, more's the pity, for surely this man McCall is not going to be left in the lurch and run the risk of bankruptcy or being sent to the peni-

tentiary because of the fact that his love for the Republican party got him into this trouble.

The other day somebody here made comparison between Andrew Jackson and President Roosevelt. Let us look at it. Andrew Jackson never put Nicholas Biddle in his Cabinet. In his fight against the money power he fought to the bitter end. He used no blandishments; he used a bludgeon. President Roosevelt had no need for any campaign fund, but his lieutenants did. Mr. Bliss collected it; Mr. Cortelyou spent it. Mr. Cortelyou is in the Cabinet, and, as I said, the trusted friend and attorney of the money power in New York, Mr. Elihu Root, is in the Cabinet. I acknowledge he is a very bright and great man. I have nothing to say against him personally, for I admire him; but Andrew Jackson never would have taken as a Cabinet officer a man so closely allied with Nicholas Biddle in the United States Bank.

So we have a condition in this country to-day which should give every thoughtful man pause, to see whether or not it is possible that Senators have the saving grace and patriotism and regard for their obligations of office, the oaths they took, to take up and consider all these questions relating to the public welfare, this railway rate business, this railway discrimination business, this railway monopoly business, this destruction of private property without due process of law, simply by denying the right to ship coal and all that kind of thing. I say we need an investigation. We want the facts. We want the Interstate Commerce Committee to do the best it can with the bill now before it. I am ready. We have agreed among ourselves to bring it in next Friday, or to bring in something, so that the discussion here on the floor may proceed along the line of enlightenment for the people of the country and Senators who are not on the committee as to what is in the bill and what is not. I would rather keep it in committee until we get the facts from the Interstate Commerce Commission, upon which we could base an amendment to prevent public carriers from owning any coal or other product which is to be shipped over their lines, thus relieving us from this infernal monopoly which now oppresses the lifeblood out of Pennsylvania in the anthracite regions and is seizing upon the bituminous regions of Pennsylvania and West Virginia and the Atlantic seaboard generally, by which the people are held up and compelled to pay from \$1 to \$2 a ton more than is a just compensation for their coal, in order to put more millions, and stolen millions, in the pockets of Cassatt and his allies.

Mr. ELKINS. Mr. President, I have no purpose to discuss the joint resolution which has been reported by the Senator from South Carolina [Mr. TILLMAN] from the Interstate Commerce Committee, of which I am chairman. I voted to report the joint resolution and will vote for it in the Senate. My purpose is to bring to the attention of the Senate the statutes of the State of West Virginia on the subject of compelling railroads to connect, and to correct the misapprehension in the mind of the Senator from South Carolina, and possibly in the minds of others, as to the laws of West Virginia. The question raised by the Senator's remarks was whether there is adequate law in the State to correct an abuse complained of there arising out of the refusal of a railroad to make a connection with a lateral or branch line. I stated there was a law on the subject, and the only purpose I have at this time is to relieve the people of West Virginia and the State from the charge made by the Senator from South Carolina, if I may use that word, of being in disgrace because we have no proper law to compel a connection between railroads. The Senator from South Carolina said in his remarks a few days since:

In the first place, I want to remark that the relief sought here would appear to be obtainable under State law, and if there be none, then West Virginia stands disgraced because she has not enacted such a law.

As soon as I heard that remark, I interrupted the Senator to state that there was a law to compel the connection of railroads.

The Senator also referred to the circumstance in his remarks on the 8th instant, and substantially repeated what he said, and offered a letter from the governor of West Virginia, who stated, referring to the Senator from South Carolina—I will use his language—

You are nearer right than Senator ELKINS.

Mr. President, in order that there may be no doubt on this question and in order to properly defend my State and her people from the charge of disgrace, I wish to read and have appear in the RECORD the statute of the State of West Virginia on the subject of compelling connections between railroads. I read from the Code of West Virginia, chapter 54, page 573:

50. Every corporation formed under this chapter shall, in addition to the powers hereinbefore conferred, have power:

Seventh. To cross at grade, or to cross over or under, intersect, join, and unite its railroad with any other railroad now built and con-



structed, or hereafter to be built and constructed, within this State, at any point on its route, and upon the grounds of such other railroad company, with the necessary turnouts, sidings, and switches and other conveniences in furtherance of the object of its connections, and every corporation whose railroad is, or shall be hereafter, intersected by any new railroad shall unite with the corporation owning such new railroad in forming such intersection and connections and grant the facilities aforesaid; and if the two corporations can not agree upon the amount of compensation to be made therefor, or the points and manner of such crossing and connections, the same shall be ascertained and determined in the manner prescribed by section 48 of this chapter.

I can not conceive of language being broader or of a remedy being more perfect to obtain a connection than the statutes of West Virginia afford.

I have no purpose to enter into any discussion of the question raised by the Senator, or of abuses alleged to have been committed by the railroads in West Virginia. I hope the joint resolution before the Senate will pass. I simply wish to say to the Senate and to put on record the fact that the laws of West Virginia afford a remedy in the case complained of, and the State is not in disgrace because of any supposed failure to enact proper laws. I believe the laws of West Virginia are about as stringent on the question of railroads and their operation as those of most of the States in the Union.

The people of West Virginia, which I am proud in part to represent on this floor, would hardly forgive the Senators if they should fail to resent a charge of the State being in disgrace coming from any source for any reason whatever. My contention is that our legislature under the section just quoted has provided a proper remedy to compel railroad connections. Why this remedy was not resorted to by the parties in interest I can not say. I suppose they had good reasons for not doing so.

Mr. NEWLANDS. In connection with the able speech of the Senator from Massachusetts [Mr. LODGE] I ask to have inserted in the RECORD certain extracts from an article written by Mr. William Z. Ripley, professor of economics, Harvard University—

Mr. KEAN. All of that is probably contained in the testimony taken before the Interstate Commerce Committee last summer.

Mr. NEWLANDS. Does the Senator state that this article appears in the report of those hearings?

Mr. KEAN. I do not know about that, but Mr. Ripley told nearly everything he knew, and more too, I think, before the committee; I think the request to print had better be looked into.

Mr. NEWLANDS. I ask that certain extracts from this article be printed in the RECORD. I will not ask to have them read.

Mr. ALDRICH. I do not object to their being printed as a document, but I do object to anything being published in the RECORD unless it is read.

Mr. NEWLANDS. Then I will ask to have it read. I will ask the Secretary to read the part marked, extending from pages 3 to 15.

Mr. ALDRICH. I recollect the article very well; it has some statements in it which I think would be enlightening; and I should be very glad to have the whole article read if any part of it is read.

Mr. NEWLANDS. It is entitled—

#### CHANGES IN RAILROAD CONDITIONS SINCE 1887.

The increased value of railroads as investments; widespread consolidations, direct and indirect, which obliterate competition, and the increase of rates as a tax on the business of the country; the necessity of regulation. By William Z. Ripley, professor of economics in Harvard University, expert on railroads for the United States Industrial Commission, 1900, and author of its final report on transportation.

I understand the Senator from Rhode Island wishes the entire article read, and I send it to the desk for that purpose.

The VICE-PRESIDENT. The Senator from Rhode Island requests that the entire article be read if any part of it is read.

Mr. ALDRICH. If any part of it is to be read, I suggested that the entire article be read.

The VICE-PRESIDENT. The Senator from Rhode Island suggests that if any part of the article is to be read, the entire article should be read. Is there objection to its being read? The Chair hears none. The Secretary will read as requested.

Mr. SPOONER. Does that embrace the entire pamphlet?

The VICE-PRESIDENT. The entire pamphlet.

Mr. SPOONER. Every man has read it, and I object to thus consuming the time of the Senate. I want to make a little speech on the subsidy bill to-morrow or some other time.

Mr. KEAN. Does the Senator from Wisconsin wish to go on to-night? If not, I would like to move an executive session.

Mr. SPOONER. No; I do not want to go on to-day.

Mr. TILLMAN. I hope—

The VICE-PRESIDENT. The Senator from Wisconsin objects to the reading of the pamphlet.

Mr. SPOONER. Yes; I object.

The VICE-PRESIDENT. The question then must be determined by the Senate without debate. Shall the article be read? [Putting the question.] The "noes" have it.

Mr. NEWLANDS. Mr. President—

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. I hope the Senator will let the joint resolution be passed.

Mr. KEAN. I beg the Senator's pardon. I thought the joint resolution had been passed.

Mr. TILLMAN. No.

Mr. KEAN. I make no question on it.

Mr. NEWLANDS. Mr. President, I think I have the floor.

The VICE-PRESIDENT. The Senator from Nevada has the floor except as against the motion to proceed to the consideration of executive business.

Mr. KEAN. I withdraw the motion.

The VICE-PRESIDENT. The Senator from New Jersey having withdrawn his motion to proceed to the consideration of executive business, the Senator from Nevada is entitled to the floor.

Mr. NEWLANDS. I will not insist upon the reading at present, if it will interfere with the passage of the joint resolution of the Senator from South Carolina.

The VICE-PRESIDENT. Does the Senator withdraw his request?

Mr. NEWLANDS. I do.

The VICE-PRESIDENT. The Senator from Nevada withdraws his request. The joint resolution is in the Senate as in Committee of the Whole. If there be no amendment, the joint resolution will be reported to the Senate.

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

The preamble was agreed to.

#### 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 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 13, 1906, at 12 o'clock meridian.

#### ADJUSTMENT OF TITLE TO ISLE OF PINES.

The injunction of secrecy was removed February 12, 1906, from Confidential Executive Report No. 1, Fifty-ninth Congress, first session, "Adjustment of title to Isle of Pines."

On motion of Mr. MORGAN, it was

Ordered, That 500 additional copies of Confidential Executive Report No. 1, Fifty-ninth Congress, first session, "Adjustment of title to Isle of Pines," with views of the minority, be printed for the use of the Senate.

#### NOMINATIONS.

*Executive nominations received by the Senate February 12, 1906.*

##### COLLECTORS OF CUSTOMS.

George W. Gardiner, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island, in place of Ellery H. Wilson, deceased.

Frederick O. Murray, of New York, to be collector of customs for the district of Buffalo Creek, in the State of New York, to succeed Henry W. Brendel, whose term of office has expired by limitation.

Howard S. Nyman, of the District of Columbia, to be collector of customs for the district of Georgetown, in the District of Columbia. (Reappointment.)

##### PENSION AGENTS.

St. Clair A. Mulholland, of Pennsylvania, to be pension agent at Philadelphia, Pa., to take effect March 9, 1906, at the expiration of his present term. (Reappointment.)

Charles A. Orr, of New York, to be pension agent at Buffalo, N. Y., his term having expired January 13, 1906. (Reappointment.)

##### RECEIVER OF PUBLIC MONEY.

Will M. Gifford, of Nebraska, to be receiver of public moneys at Lincoln, Nebr., vice Alva E. Kennard, term expired.

##### REGISTERS OF LAND OFFICES.

Charles F. Shedd, of Nebraska, to be register of the land office at Lincoln, Nebr., vice William A. Green, term expired.

George W. Stewart, of California, to be register of the land office at Visalia, Cal., to take effect March 5, 1906, when his term expires. (Reappointment.)

## PROMOTIONS IN THE NAVY.

Lieut. Clarence M. Stone to be a lieutenant-commander in the Navy from the 28th day of June, 1905, vice Lieut. Commander Victor Blue, an additional number in grade.

Lieut. Douglas E. Dismukes to be a lieutenant-commander in the Navy from the 1st day of July, 1905, vice Lieut. Commander James E. Palmer, retired.

## PROMOTIONS IN THE ARMY.

Lieut. Col. Sedgwick Pratt, Artillery Corps (detailed inspector-general), to be colonel from February 9, 1906, vice Thorp, retired from active service.

## POSTMASTERS.

## ALABAMA.

Albert N. Holland to be postmaster at Scottsboro, in the county of Jackson and State of Alabama, in place of Albert N. Holland. Incumbent's commission expired January 20, 1906.

## ARKANSAS.

Joseph E. Dougherty to be postmaster at Russellville, in the county of Pope and State of Arkansas, in place of Samuel Davis. Incumbent's commission expired January 16, 1906.

## CALIFORNIA.

Robert J. Nixon to be postmaster at Yreka, in the county of Siskiyou and State of California, in place of Robert J. Nixon. Incumbent's commission expires February 28, 1906.

Frank L. Powell to be postmaster at Lemoore, in the county of Kings and State of California, in place of Frank L. Powell. Incumbent's commission expires February 28, 1906.

## COLORADO.

Daniel E. Cooper to be postmaster at Lamar, in the county of Prowers and State of Colorado, in place of Daniel E. Cooper. Incumbent's commission expired January 20, 1906.

Wesley H. Ogle to be postmaster at Lake City, in the county of Hinsdale and State of Colorado, in place of Wesley H. Ogle. Incumbent's commission expired January 20, 1906.

## FLORIDA.

John C. Stowers to be postmaster at West Palmbeach, in the county of Dade and State of Florida, in place of John C. Stowers. Incumbent's commission expired February 10, 1906.

## IDAHO.

Ed F. Winn to be postmaster at Idaho Falls, in the county of Bingham and State of Idaho, in place of Ed F. Winn. Incumbent's commission expired January 21, 1906.

## ILLINOIS.

William G. Bale to be postmaster at Hinckley, in the county of Dekalb and State of Illinois, in place of William G. Bale. Incumbent's commission expired February 5, 1906.

Cornelius T. Beekman to be postmaster at Petersburg, in the county of Menard and State of Illinois, in place of Cornelius T. Beekman. Incumbent's commission expired February 5, 1906.

L. A. Constantine to be postmaster at Aurora, in the county of Kane and State of Illinois, in place of L. A. Constantine. Incumbent's commission expired February 5, 1906.

H. A. Fischer to be postmaster at Staunton, in the county of Macoupin and State of Illinois, in place of Daniel G. Williamson. Incumbent's commission expired February 10, 1906.

Harry D. Hemmens to be postmaster at Elgin, in the county of Kane and State of Illinois, in place of Harry D. Hemmens. Incumbent's commission expired February 5, 1906.

Ernest G. Howell to be postmaster at Geneva, in the county of Kane and State of Illinois, in place of Ernest G. Howell. Incumbent's commission expired February 10, 1906.

William A. Mussett to be postmaster at Grayville, in the county of White and State of Illinois, in place of William A. Mussett. Incumbent's commission expired February 10, 1906.

## INDIANA.

Harley D. Billings to be postmaster at Williamsport, in the county of Warren and State of Indiana, in place of John D. Chambers. Incumbent's commission expired February 7, 1906.

Charles G. Covert to be postmaster at Evansville, in the county of Vanderburg and State of Indiana, in place of James D. Parvin. Incumbent's commission expired January 9, 1906.

C. D. Houchin to be postmaster at Petersburg, in the county of Pike and State of Indiana, in place of Isaac H. La Man. Incumbent's commission expired January 9, 1906.

Wilbur U. Masten to be postmaster at Danville, in the county of Hendricks and State of Indiana, in place of Alfred Welshans. Incumbent's commission expired February 7, 1906.

## IOWA.

Henry L. Chesley to be postmaster at Sutherland, in the county of O'Brien and State of Iowa, in place of Henry L. Chesley. Incumbent's commission expires February 28, 1906.

Thomas P. Hollowell, jr., to be postmaster at Fort Madison, in the county of Lee and State of Iowa, in place of Ethan L. Trevitt. Incumbent's commission expired January 31, 1906.

## KANSAS.

John M. Garvey to be postmaster at McCune, in the county of Crawford and State of Kansas, in place of John M. Garvey. Incumbent's commission expired February 7, 1906.

Mark Palmer to be postmaster at Eskridge, in the county of Wabaunsee and State of Kansas, in place of Mark Palmer. Incumbent's commission expired February 7, 1906.

## KENTUCKY.

William C. Harper to be postmaster at Catlettsburg, in the county of Boyd and State of Kentucky, in place of William C. Harper. Incumbent's commission expired January 16, 1906.

## MAINE.

George M. Allen to be postmaster at Cherryfield, in the county of Washington and State of Maine, in place of George M. Allen. Incumbent's commission expires February 13, 1906.

Fred E. Littlefield to be postmaster at Vinal Haven, in the county of Knox and State of Maine, in place of Fred E. Littlefield. Incumbent's commission expires February 13, 1906.

Woodbury Marson to be postmaster at Booth Bay Harbor, in the county of Lincoln and State of Maine, in place of Woodbury Marson. Incumbent's commission expires February 20, 1906.

## MASSACHUSETTS.

Frederick H. Fowler to be postmaster at Walpole, in the county of Norfolk and State of Massachusetts, in place of Frederick H. Fowler. Incumbent's commission expired March 30, 1904.

Edwin D. Goodell to be postmaster at Brookfield, in the county of Worcester and State of Massachusetts, in place of Edwin D. Goodell. Incumbent's commission expires February 20, 1906.

## MICHIGAN.

George E. Adams to be postmaster at Bangor, in the county of Van Buren and State of Michigan, in place of John Mutchler. Incumbent's commission expired January 20, 1906.

Faustina M. Towle to be postmaster at Gaylord, in the county of Otsego and State of Michigan, in place of Faustina M. Towle. Incumbent's commission expires February 28, 1906.

Joseph E. Watson to be postmaster at Bronson, in the county of Branch and State of Michigan, in place of Joseph E. Watson. Incumbent's commission expired January 20, 1906.

## MINNESOTA.

Wheaton M. Fuller to be postmaster at Little Falls, in the county of Morrison and State of Minnesota, in place of Wheaton M. Fuller. Incumbent's commission expired January 21, 1906.

## MISSOURI.

William C. Askin to be postmaster at Salem, in the county of Dent and State of Missouri, in place of William C. Askin. Incumbent's commission expired February 10, 1906.

Clarence Gardner to be postmaster at Campbell, in the county of Dunklin and State of Missouri, in place of Hiram A. Gardner. Incumbent's commission expired February 10, 1906.

Frank I. Swett to be postmaster at Lebanon, in the county of Laclede and State of Missouri, in place of Frank I. Swett. Incumbent's commission expired February 10, 1906.

## NEBRASKA.

Levi M. Copeland to be postmaster at Minden, in the county of Kearney and State of Nebraska, in place of Levi M. Copeland. Incumbent's commission expired February 10, 1906.

William A. McCool to be postmaster at Indianola, in the county of Redwillow and State of Nebraska, in place of William A. McCool. Incumbent's commission expired February 10, 1906.

Charles Miner to be postmaster at Ravenna, in the county of Buffalo and State of Nebraska, in place of Charles Miner. Incumbent's commission expired January 20, 1906.

George Olive to be postmaster at Weeping Water, in the county of Cass and State of Nebraska, in place of Charles V. Hay. Incumbent's commission expired February 10, 1906.

## NEW JERSEY.

Brice P. Walling to be postmaster at Sussex, in the county of Sussex and State of New Jersey, in place of Edward C. Tuttle. Incumbent's commission expired January 21, 1906.

## NEW YORK.

Michael Gleason to be postmaster at Carthage, in the county of Jefferson and State of New York, in place of Michael Gleason. Incumbent's commission expired February 10, 1906.

Frank W. James to be postmaster at Naples, in the county of Ontario and State of New York, in place of Frank W. James. Incumbent's commission expires February 28, 1906.



## NORTH CAROLINA.

Clarence W. Teague to be postmaster at West Durham, in the county of Durham and State of North Carolina. Office became Presidential January 1, 1906.

Edwin L. Ware to be postmaster at Kings Mountain, in the county of Cleveland and State of North Carolina, in place of Edwin L. Ware. Incumbent's commission expires February 18, 1906.

## NORTH DAKOTA.

Charles Gunthorp to be postmaster at Edgeley, in the county of Lamoure and State of North Dakota. Office became Presidential October 1, 1905.

Charles B. McMillan to be postmaster at Hannah, in the county of Chavallier and State of North Dakota. Office became Presidential January 1, 1906.

## OHIO.

Ephraim D. Killinger to be postmaster at Edgerton, in the county of Williams and State of Ohio, in place of Ephraim D. Killinger. Incumbent's commission expires February 13, 1906.

## PENNSYLVANIA.

George W. Best to be postmaster at East Brady, in the county of Clarion and State of Pennsylvania, in place of George W. Best. Incumbent's commission expires February 17, 1906.

John B. Dennison to be postmaster at Jamestown, in the county of Mercer and State of Pennsylvania, in place of James B. Robinson. Incumbent's commission expired January 30, 1906.

## SOUTH DAKOTA.

John E. Sullivan to be postmaster at Plankinton, in the county of Aurora and State of South Dakota, in place of John C. Bryan. Incumbent's commission expired January 20, 1906.

## TENNESSEE.

Joseph N. Ellis to be postmaster at Jefferson City, in the county of Jefferson and State of Tennessee, in place of Burgess W. Witt. Incumbent's commission expired January 13, 1906.

Monroe C. Monday to be postmaster at Knoxville, in the county of Knox and State of Tennessee, in place of William L. Trent. Incumbent's commission expires February 18, 1906.

John M. Wooten to be postmaster at Morristown, in the county of Hamblen and State of Tennessee, in place of John B. F. Dice. Incumbent's commission expired January 13, 1906.

## VIRGINIA.

William H. Faulkner to be postmaster at South Boston, in the county of Halifax and State of Virginia, in place of William H. Faulkner. Incumbent's commission expired February 10, 1906.

R. A. Fulwiler to be postmaster at Staunton, in the county of Augusta and State of Virginia, in place of Samuel N. Yost. Incumbent's commission expired January 20, 1906.

George L. Hart to be postmaster at Roanoke, in the county of Roanoke and State of Virginia, in place of Samuel H. Hoge. Incumbent's commission expires March 15, 1906.

Charles M. Keezel to be postmaster at Harrisonburg, in the county of Rockingham and State of Virginia, in place of Abram P. Funkhouser. Incumbent's commission expires March 24, 1906.

## WEST VIRGINIA.

John O. Huey to be postmaster at Mannington, in the county of Marion and State of West Virginia, in place of John O. Huey. Incumbent's commission expired February 10, 1906.

## WISCONSIN.

H. T. Eberle to be postmaster at Watertown, in the county of Jefferson and State of Wisconsin, in place of William F. Gruetzmacher. Incumbent's commission expires March 10, 1906.

Frank M. Givens to be postmaster at Fond du Lac, in the county of Fond du Lac and State of Wisconsin, in place of Frank M. Givens. Incumbent's commission expired February 7, 1906.

James T. Webb to be postmaster at Lancaster, in the county of Grant and State of Wisconsin, in place of James T. Webb. Incumbent's commission expires February 28, 1906.

Adelbert M. Penney to be postmaster at Waupaca, in the county of Waupaca and State of Wisconsin, in place of Adelbert M. Penney. Incumbent's commission expired February 7, 1906.

Richard Price to be postmaster at Wonewoc, in the county of Juneau and State of Wisconsin, in place of Richard Price. Incumbent's commission expires February 28, 1906.

## WITHDRAWAL.

*Executive nomination withdrawn February 12, 1906.*

Robert L. Chambers to be postmaster at Colorado Springs, in the State of Colorado.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 12, 1906.*

## POSTMASTERS.

## MICHIGAN.

William F. Crane to be postmaster at Manistique, in the county of Schoolcraft and State of Michigan.

## MINNESOTA.

Alexander Fiddes to be postmaster at Jackson, in the county of Jackson and State of Minnesota.

## MISSISSIPPI.

Edith G. Morrow to be postmaster at West Point, in the county of Clay and State of Mississippi.

Lee Van Sample to be postmaster at Summit, in the county of Pike and State of Mississippi.

## NEW JERSEY.

George W. Hope to be postmaster at Raritan, in the county of Somerset and State of New Jersey.

Harry L. Knight to be postmaster at Medford, in the county of Burlington and State of New Jersey.

Dennis W. Mahony to be postmaster at Passaic, in the county of Passaic and State of New Jersey.

Joseph Pierson to be postmaster at Phillipsburg, in the county of Warren and State of New Jersey.

Henry B. Rollinson to be postmaster at Rahway, in the county of Union and State of New Jersey.

August C. Stecher to be postmaster at Riverside, in the county of Burlington and State of New Jersey.

## PENNSYLVANIA.

John W. Stuart to be postmaster at State College, in the county of Center and State of Pennsylvania.

## HOUSE OF REPRESENTATIVES.

*Monday, February 12, 1906.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

Our fathers' God and our God, we lift up our hearts in gratitude to Thee for our Republic, which has come down to us out of the past a precious and matchless heritage, and for that long line of illustrious men who, guided by the light of heaven, conceived, resolved, upheld, and maintained it; and may they ever be as beacon lights to guide us as we lengthen its history.

To-day our minds and hearts turn with one accord to the martyred Lincoln, whom in the darkest hours of the Republic Thou didst call from obscurity to be the savior of his people. We love him and honor him for what he did, yet more for what he was in the nobility, strength, and gentleness of his character, "With malice toward none and charity for all."

God grant that our lives may be as pure, as noble, as generous, as patriotic. In the name of Jesus Christ our Lord. Amen.

The Journal of Friday's proceedings was read and approved.

## CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 3338) for the relief of John L. O'Mara was changed from the Committee on Invalid Pensions to the Committee on Military Affairs.

## WITHDRAWAL OF PAPERS FROM THE FILES.

Mr. HOLLIDAY, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William F. Shelato (Fifty-sixth Congress), no adverse report having been made thereon.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 12320. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3402. An act granting an increase of pension to Jesse W. Elliott—to the Committee on Invalid Pensions.

S. 1799. An act granting an increase of pension to Henry Logan—to the Committee on Invalid Pensions.

- S. 1798. An act granting an increase of pension to Robert K. Smith—to the Committee on Invalid Pensions.
- S. 201. An act granting an increase of pension to Lyman E. Farrand—to the Committee on Invalid Pensions.
- S. 984. An act granting an increase of pension to William W. Benedict—to the Committee on Invalid Pensions.
- S. 2797. An act granting an increase of pension to James Buggie—to the Committee on Invalid Pensions.
- S. 2328. An act granting an increase of pension to Benjamin Franklin Bigelow—to the Committee on Invalid Pensions.
- S. 207. An act granting an increase of pension to Marion F. Howe—to the Committee on Invalid Pensions.
- S. 1414. An act granting an increase of pension to Sidney G. Smith—to the Committee on Invalid Pensions.
- S. 3120. An act granting an increase of pension to Mary Driscoll—to the Committee on Invalid Pensions.
- S. 2975. An act granting a pension to Mary L. Miller—to the Committee on Invalid Pensions.
- S. 2329. An act granting an increase of pension to Knute Torgeson—to the Committee on Invalid Pensions.
- S. 2327. An act granting an increase of pension to Sidney F. Mullin—to the Committee on Invalid Pensions.
- S. 1465. An act granting an increase of pension to Patrick Fallihee—to the Committee on Invalid Pensions.
- S. 3123. An act granting an increase of pension to William H. Alban—to the Committee on Invalid Pensions.
- S. 2337. An act granting an increase of pension to Ellen S. Larned—to the Committee on Invalid Pensions.
- S. 2257. An act granting an increase of pension to Mary J. Campbell—to the Committee on Invalid Pensions.
- S. 3240. An act granting an increase of pension to John T. Jones—to the Committee on Invalid Pensions.
- S. 2405. An act granting an increase of pension to John P. Winget—to the Committee on Invalid Pensions.
- S. 1883. An act granting an increase of pension to Nellie Raymond—to the Committee on Invalid Pensions.
- S. 533. An act granting an increase of pension to Francis M. Munson—to the Committee on Invalid Pensions.
- S. 2702. An act granting an increase of pension to George W. Dightman—to the Committee on Invalid Pensions.
- S. 3537. An act granting an increase of pension to Anthony W. Presley—to the Committee on Pensions.
- S. 3039. An act granting an increase of pension to Joseph Smith—to the Committee on Invalid Pensions.
- S. 1753. An act granting an increase of pension to Waldo W. Paine—to the Committee on Invalid Pensions.
- S. 992. An act granting a pension to Albert E. Lyon—to the Committee on Invalid Pensions.
- S. 3630. An act granting an increase of pension to Martin L. Barber—to the Committee on Invalid Pensions.
- S. 1670. An act granting an increase of pension to William McNabb—to the Committee on Invalid Pensions.
- S. 894. An act granting an increase of pension to Mrs. Sewall—to the Committee on Invalid Pensions.
- S. 3643. An act granting an increase of pension to Seth Raymond—to the Committee on Invalid Pensions.
- S. 125. An act granting an increase of pension to John E. Hadsall—to the Committee on Invalid Pensions.
- S. 2377. An act granting a pension to Clara T. Leathers—to the Committee on Pensions.
- S. 1433. An act granting an increase of pension to Joseph W. Willard—to the Committee on Invalid Pensions.
- S. 124. An act granting an increase of pension to Curtis B. McIntosh—to the Committee on Invalid Pensions.
- S. 4029. An act granting an increase of pension to Martha G. Archer—to the Committee on Pensions.
- S. 1835. An act granting an increase of pension to James G. Doane—to the Committee on Invalid Pensions.
- S. 620. An act granting an increase of pension to Elizabeth S. Law—to the Committee on Invalid Pensions.
- S. 640. An act granting an increase of pension to Hugh P. Buffon—to the Committee on Invalid Pensions.
- S. 3687. An act providing for the segregation of \$1,000,000 from the reclamation fund created by the act of June 17, 1902, and for other purposes—to the Committee on Public Lands.
- S. 3522. An act 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—to the Committee on Territories.
- S. 3309. An act granting an increase of pension to James C. Baber—to the Committee on Invalid Pensions.
- S. 2752. An act granting an increase of pension to Robert S. Moore—to the Committee on Invalid Pensions.
- S. 3587. An act granting an increase of pension to Eliza Orr—to the Committee on Invalid Pensions.
- S. 3507. An act granting an increase of pension to Isaac Van Valkenburg—to the Committee on Invalid Pensions.
- S. 3291. An act granting an increase of pension to Mathew D. Raker—to the Committee on Pensions.
- S. 1731. An act granting an increase of pension to William O. Colson—to the Committee on Pensions.
- S. 1744. An act granting an increase of pension to Joseph B. Papy—to the Committee on Pensions.
- S. 132. An act to establish a fish-culture station at the city of Fargo, in the State of North Dakota—to the Committee on the Merchant Marine and Fisheries.
- S. 967. An act to amend section 2 of an act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved June 9, 1896—to the Committee on Territories.
- S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to, and accepted by, the Department of Agriculture during the fiscal year 1902—to the Committee on Claims.
- S. 176. An act granting an increase of pension to Benjamin F. Marsh—to the Committee on Invalid Pensions.
- S. 186. An act granting an increase of pension to George P. Howe—to the Committee on Invalid Pensions.
- S. 2482. An act granting an increase of pension to Cutler A. Chamberlin—to the Committee on Invalid Pensions.
- S. 717. An act granting an increase of pension to Charles H. Tuck—to the Committee on Invalid Pensions.
- S. 853. An act granting an increase of pension to Charles Lander—to the Committee on Invalid Pensions.
- S. 8. An act granting an increase of pension to William M. Hall—to the Committee on Invalid Pensions.
- S. 789. An act granting a pension to Mary E. Wolf—to the Committee on Invalid Pensions.
- S. 267. An act to prohibit aliens from taking fish in the waters of the district of Alaska—to the Committee on Territories.
- S. 611. An act to provide for the purchase of a site and the erection of a public building thereon at Rawlins, in the State of Wyoming—to the Committee on Public Buildings and Grounds.
- S. 1724. An act providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes—to the Committee on Public Buildings and Grounds.
- S. 2165. An act extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion—to the Committee on Invalid Pensions.
- S. 961. An act to provide for the purchase of a site and the erection of a public building thereon at Alexandria, in the State of Minnesota—to the Committee on Public Buildings and Grounds.
- S. 338. An act making an appropriation for a public building at Houston, Tex.—to the Committee on Public Buildings and Grounds.
- S. 35. An act to provide for the purchase of a site and the erection of a public building thereon at Dover, in the State of New Hampshire—to the Committee on Public Buildings and Grounds.
- S. 1538. An act granting an increase of pension to Indiana A. Paul—to the Committee on Invalid Pensions.
- S. 3605. An act granting an increase of pension to Albert Smith—to the Committee on Invalid Pensions.
- S. 3126. An act granting an increase of pension to Stephen B. Tarlton—to the Committee on Invalid Pensions.
- S. 1298. An act granting an increase of pension to Francis W. Usher—to the Committee on Invalid Pensions.
- S. 590. An act granting a pension to John White—to the Committee on Pensions.
- S. 3667. An act granting an increase of pension to Martha J. Brisco—to the Committee on Invalid Pensions.
- S. 854. An act granting a pension to William W. Gauthier—to the Committee on Pensions.

## CALIFORNIA STREET.

Mr. BABCOCK. Mr. Speaker, this being District of Columbia day, I ask consideration of the bill (H. R. 12614) to restore the name of California avenue in the city of Washington.

The SPEAKER. The gentleman from Wisconsin asks present consideration of the following House bill, which the Clerk will report.

The bill as proposed to be amended by the Committee on the District of Columbia was read, as follows:

Strike out all after the enacting clause and insert the following:  
"That from and after the passage of this act the thoroughfare extending from Columbia road west to Massachusetts avenue extended,



formerly named 'California avenue,' and now designated as 'T street,' shall be known and designated as 'California street.'

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title of the bill was amended so as to read: "A bill to change the name of a portion of T street to California street."

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS POTOMAC RIVER, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I ask for present consideration of Senate resolution 23.

The SPEAKER. The gentleman from Wisconsin asks present consideration of a joint resolution which will be reported by the Clerk.

The joint resolution (S. R. 23) providing for an extension of time for completing the highway bridge and approaches across the Potomac River, at Washington, D. C., was read, as follows:

*Resolved, etc.,* That the time for completing the construction of the highway bridge and approaches across the Potomac River, authorized by section 12 of the act of Congress approved February 12, 1901, entitled, "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," as amended by the District of Columbia appropriation act, approved July 1, 1902, and as amended by "Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River, at Washington, D. C., approved February 18, 1905, be, and is hereby, extended to February 12, 1907.

With the following committee amendments:

Page 2, line 5, strike out the words "February twelfth" and insert in lieu thereof the words "December fifteenth."

Page 2, line 6, strike out the word "seven" and insert in lieu thereof the word "six."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1280. An act granting a pension to Mary K. Lewis;

H. R. 1545. An act granting a pension to Florence D. Rafferty;

H. R. 1797. An act granting a pension to James H. Cole, alias John V. Cole;

H. R. 1958. An act granting a pension to Ida L. and Clara E. Winters;

H. R. 2340. An act granting a pension to Evelyn S. Beardslee;

H. R. 2342. An act granting a pension to Winifred E. Lewis;

H. R. 2811. An act granting a pension to Angie A. Marvin;

H. R. 2795. An act granting a pension to Emma Auger;

H. R. 3214. An act granting a pension to Maggie Parker;

H. R. 3229. An act granting a pension to Jessie Marie Hester;

H. R. 4607. An act granting a pension to Annie Rohr;

H. R. 4727. An act granting a pension to Emma M. Boyer;

H. R. 9352. An act granting a pension to Mary Van Blarcom;

H. R. 11310. An act granting a pension to Emma Aldred;

H. R. 11596. An act granting a pension to Marion H. Long;

H. R. 530. An act granting an increase of pension to George E. Ross;

H. R. 611. An act granting an increase of pension to John H. Cassidy;

H. R. 724. An act granting an increase of pension to John A. Coulter;

H. R. 1072. An act granting an increase of pension to John Fisher;

H. R. 1125. An act granting an increase of pension to Frances Ann Batchelor;

H. R. 1123. An act granting an increase of pension to Sarah Emaline Finklea;

H. R. 1131. An act granting an increase of pension to George Sargent;

H. R. 1059. An act granting an increase of pension to Elijah Spangler;

H. R. 1136. An act granting an increase of pension to William D. Stauffer;

H. R. 1213. An act granting an increase of pension to John Breden;

H. R. 1283. An act granting an increase of pension to Epsy Ann Austin;

H. R. 1382. An act granting an increase of pension to Benjamin Fagley;

H. R. 1437. An act granting an increase of pension to Darius J. Brown;

H. R. 1124. An act granting an increase of pension to John J. Grant;

H. R. 1467. An act granting an increase of pension to Hiram E. Monroe;

H. R. 1554. An act granting an increase of pension to Samuel B. Spinning;

H. R. 1884. An act granting an increase of pension to Robert Purcell;

H. R. 1952. An act granting an increase of pension to Axel A. M. Nattoch Dag;

H. R. 1974. An act granting an increase of pension to William R. P. Foale;

H. R. 2083. An act granting an increase of pension to Thomas A. Slack;

H. R. 2084. An act granting an increase of pension to Thomas Maginley;

H. R. 2113. An act granting an increase of pension to Lydia B. Jackson;

H. R. 2169. An act granting an increase of pension to Elisha White;

H. R. 2289. An act granting an increase of pension to Algernon Lightcap;

H. R. 2291. An act granting an increase of pension to William Elmes;

H. R. 2345. An act granting an increase of pension to Antoinette Hannahs;

H. R. 2394. An act granting an increase of pension to Frank Buncher;

H. R. 2771. An act granting an increase of pension to Thomas McCabe;

H. R. 3216. An act granting an increase of pension to John W. Seeber;

H. R. 3380. An act granting an increase of pension to George W. Wilburn;

H. R. 3400. An act granting an increase of pension to Anson K. Carr;

H. R. 3605. An act granting an increase of pension to Albert Lathrop;

H. R. 3678. An act granting an increase of pension to Jonathan C. S. Twitchell;

H. R. 4195. An act granting an increase of pension to Hamilton Secheverell;

H. R. 4215. An act granting an increase of pension to John A. Roberts;

H. R. 4217. An act granting an increase of pension to Daniel M. Rose;

H. R. 4218. An act granting an increase of pension to John M. Williamson;

H. R. 4224. An act granting an increase of pension to Christopher Pletzke;

H. R. 4225. An act granting an increase of pension to Nathaniel Cooper;

H. R. 4391. An act granting an increase of pension to William John Stewart, alias John Scott;

H. R. 4644. An act granting an increase of pension to Sarah J. Dickens;

H. R. 4666. An act granting an increase of pension to David A. Carpenter;

H. R. 4713. An act granting an increase of pension to Mary M. C. Manning;

H. R. 4730. An act granting an increase of pension to Meshack L. Jones;

H. R. 4732. An act granting an increase of pension to James Scrogum;

H. R. 4735. An act granting an increase of pension to Thomas Adair;

H. R. 4737. An act granting an increase of pension to Odilia Logan;

H. R. 4738. An act granting an increase of pension to Henry Roberts;

H. R. 4739. An act granting an increase of pension to Lawrence B. Smith;

H. R. 4765. An act granting an increase of pension to George W. Shepherd;

H. R. 4822. An act granting an increase of pension to Gabriel Smith;

H. R. 4827. An act granting an increase of pension to Thomas E. Morrow;

H. R. 4879. An act granting an increase of pension to John W. Roache;  
 H. R. 4884. An act granting an increase of pension to John Bokart;  
 H. R. 4964. An act granting an increase of pension to Nancy Stillwell;  
 H. R. 5015. An act granting an increase of pension to Edwin R. Goodell;  
 H. R. 5016. An act granting an increase of pension to Francis Carey;  
 H. R. 5170. An act granting an increase of pension to David R. Pringle;  
 H. R. 5238. An act granting an increase of pension to Lockett Stuard;  
 H. R. 5254. An act granting an increase of pension to Travis W. Tichenor;  
 H. R. 5644. An act granting an increase of pension to George J. Wilcox;  
 H. R. 5808. An act granting an increase of pension to Napoleon D. O. Lord;  
 H. R. 5925. An act granting an increase of pension to David L. Davidson;  
 H. R. 5955. An act granting an increase of pension to Jennie L. Overton;  
 H. R. 6143. An act granting an increase of pension to James Elffert;  
 H. R. 6144. An act granting an increase of pension to Eli Brazelton;  
 H. R. 6157. An act granting an increase of pension to Jonathan J. Boyer;  
 H. R. 6192. An act granting an increase of pension to Edward J. Mills;  
 H. R. 6227. An act granting an increase of pension to Samuel J. Jones;  
 H. R. 6228. An act granting an increase of pension to Jonathan Terrell;  
 H. R. 6338. An act granting an increase of pension to Richard McCarthy;  
 H. R. 6448. An act granting an increase of pension to Samuel A. Shaw;  
 H. R. 6451. An act granting an increase of pension to Adam Wucher;  
 H. R. 7418. An act granting an increase of pension to Fritz Muller;  
 H. R. 7420. An act granting an increase of pension to Michael Wren;  
 H. R. 8090. An act granting an increase of pension to Emma H. Benham;  
 H. R. 8217. An act granting an increase of pension to Sarah A. J. Tayman;  
 H. R. 8222. An act granting an increase of pension to Henry B. Jordan;  
 H. R. 8618. An act granting an increase of pension to John G. Rowan;  
 H. R. 10192. An act granting an increase of pension to Alanson B. Thomas;  
 H. R. 10296. An act granting an increase of pension to James Graham;  
 H. R. 10436. An act granting an increase of pension to John A. Ensminger;  
 H. R. 10299. An act granting an increase of pension to Samuel C. Long;  
 H. R. 10434. An act granting an increase of pension to Samuel F. King;  
 H. R. 10765. An act granting an increase of pension to Robert M. Whitson;  
 H. R. 11403. An act granting an increase of pension to David E. Longsdorf;  
 H. R. 8442. An act permitting the building of a dam across the Rock River at Grand Detour, Ill.; and  
 H. R. 10225. An act granting an increase of pension to Nathan B. Richardson.

#### PHARMACY AND POISONS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes.

The SPEAKER. The gentleman from Wisconsin asks for present consideration of the bill which the Clerk will report. The bill was read at length.

#### URGENT DEFICIENCY APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I ask the gentleman from Wisconsin to yield to me for a moment.

Mr. BABCOCK. I yield to the gentleman.

Mr. LITTAUER. Mr. Speaker, I call up from the Speaker's table the urgent deficiency appropriation bill, and ask unanimous consent that the amendments of the Senate to that bill be disagreed to, and that the House ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take the urgent deficiency bill from the Speaker's table, to disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I understand that that course is favored by the minority members of the committee also.

Mr. TAWNEY. It is.

Mr. WILLIAMS. I shall not object.

The SPEAKER. The Chair hears no objection; and the Chair announces as conferees on the part of the House Mr. LITTAUER, Mr. TAWNEY, and Mr. LIVINGSTON.

#### CLOAKROOM EMPLOYEES.

Mr. BABCOCK. I yield to the gentleman from West Virginia for a moment.

Mr. HUGHES. Mr. Speaker, I desire to enter a motion to reconsider House resolution 145, relating to cloakroom employees.

Mr. SULZER. Mr. Speaker, a point of order. The Journal of the House having been approved, the motion of the gentleman is not now in order.

The SPEAKER. A motion to reconsider was not entered upon agreeing to the resolution, which was considered on Friday. Under the rule the motion is in order.

Mr. SULZER. Mr. Speaker, I make the further point of order that the gentleman who offered the resolution and presumably voted in favor of it can not now move to reconsider it under the rule.

The SPEAKER. It seems to the Chair that, there being no record vote, every Member stands upon the same parliamentary level with every other Member. It seems to the Chair any one of the 386 Members might enter the motion.

Mr. WILLIAMS. Mr. Speaker, does the gentleman from West Virginia enter the motion for immediate consideration?

The SPEAKER. The gentleman from Wisconsin yields to the gentleman from West Virginia, who enters the motion, and that motion can be called up at any time when it is in order.

Mr. WILLIAMS. I ask the question because I prefer that the gentleman would not take action upon it until the gentleman from Georgia [Mr. BARTLETT] is present.

Mr. HUGHES. That is my intention. I only enter the motion now that I may not lose my rights.

Mr. SULZER. Will the gentleman from West Virginia be good enough to inform the House what is the purpose of moving a reconsideration of this resolution?

Mr. BABCOCK. Mr. Speaker, I did not yield to the gentleman for the purpose of debate.

The SPEAKER. The gentleman from Wisconsin declines to yield further. The motion will lie over.

#### PHARMACY AND POISONS IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I now yield to the gentleman from Ohio [Mr. TAYLOR] to explain the bill.

Mr. TAYLOR of Ohio. Mr. Speaker, the bill which has just been read is one which provides for the regulation of the practice of pharmacy and the sale of poisons in the District of Columbia. It is particularly aimed at and is an effort to check the drug habit which has become so prevalent in this District and other great cities of this country. This bill is the result of careful study and consideration and was prepared, in fact, by the commissioners of pharmacy of the District of Columbia after six months of careful work on their part. It is also approved by the District Commissioners and has the unanimous approval of a conference composed of the representatives of the physicians, the pharmacists, and the National College of Pharmacy of the District of Columbia. This committee has, in addition to these precautions, had several public hearings, in which the persons interested, the pharmacists themselves, have been given hearings, and all of whom earnestly urge favorable action.

The fact of the matter is that the present law regulating the practice of pharmacy was passed in 1878, nearly thirty years ago, at a time when the drug habit, now so prevalent, scarcely existed. So that the present law is obviously imperfect and unable to cope with the cocaine habit and other drug habits now so prevalent. In fact, cocaine was not discovered at that time. Section 11 of this bill and section 12 of this bill strike directly at the drug-habit evil. Section 11 provides that no druggist can sell cocaine or other drug-habit drugs except upon prescription of a duly authorized physician, and then only once on that prescription. Section 12 prohibits a physician from prescribing one of the drug-habit drugs to persons addicted to



the habit of using drugs except when it is necessary in the treatment of the habit.

The bill is necessarily long because it embodies several features which include the general pharmacy law, the poison law, the antinarcotic law, and then it places it all under the direction of a supervisory board, with the health officer of the District of Columbia as the secretary.

The first ten sections of the bill provide rules for the admission to and the regulation of the practice of pharmacy. Sections 11 and 12 strike directly at the drug-habit evil. Section 13 is a general poison law, and provides the necessary precautionary measures in the sale of poisons. Section 14 is a provision to prevent an evasion of the law by fraud. Section 15 provides for publicity in filing prescriptions for drugs of this kind. Section 16 is an attempt to stop the promiscuous throwing about on the doorsteps of samples of headache and other dangerous preparations. This was incorporated because of the fact that statistics show that numerous cases of severe sickness, and in some cases death, has resulted by children picking up these samples and taking them without knowledge of their dangerous qualities. The balance of the sections provide for penalties and the method of enforcement.

In other words, this whole act places the practice of pharmacy on the same high plane that the profession of medicine now is placed, and I think that everyone who is familiar with the bill, or has followed the reading of it, will agree that it is a splendid piece of legislation and a long step in the right direction.

Mr. FITZGERALD. Will the gentleman allow me an interruption?

Mr. TAYLOR of Ohio. Certainly.

Mr. FITZGERALD. Section 10 of the bill provides that the expenses shall be paid from the fees. Suppose the fees of the applicants are not sufficient to pay the expenses. Where does the money come from?

Mr. TAYLOR of Ohio. The bill provides that it shall be paid from fees, and I presume that the fees will be sufficient to pay. If not, the bill does not make any other provision.

Mr. FITZGERALD. Is there any estimate of the number of pharmacists who will be included under this bill?

Mr. TAYLOR of Ohio. No; we have no estimate of the number, but it would not be hard to obtain.

The pharmacists themselves who are engaged in the practice of pharmacy in this District believe that the fees for licenses will fully pay for all expenses.

Mr. FITZGERALD. What is the opinion of the committee? I do not care for the opinion of the pharmacists.

Mr. TAYLOR of Ohio. The opinion of the committee is based on hearings of pharmacists and other persons interested, and the committee is of the opinion that this will be the case, and no other provision for the payment of the expenses has been made.

Mr. FITZGERALD. Can the gentleman give an estimate of the amount of fees per year?

Mr. TAYLOR of Ohio. No; we have no estimate.

Mr. FITZGERALD. This same section has a very peculiar provision, which provides that the board shall divide up all the fees that are left after paying the expenses of the board for their services. Was it the opinion of the committee that no limitation whatever should be placed upon the amount paid to the examiners?

Mr. TAYLOR of Ohio. I will say that in a letter from the Commissioners, referring to section 10, they state that the fees accruing to the board are to be used, first, to pay its expenses; second, to pay the lay members, as directed by the Commissioners, and any balance remaining may be divided among the several examining boards in proportion to the number of candidates examined by each.

Mr. FITZGERALD. Then each of these examining boards determines for itself how much each member of that board shall get out of the money spent?

Mr. TAYLOR of Ohio. Each of these examining boards receives its money in proportion to the number of applicants they examine, after all the expenses and the lay members are paid.

Mr. FITZGERALD. And then the board proceeds to divide whatever amount it gets among its own members according to its own judgment?

Mr. TAYLOR of Ohio. It does not provide for an unequal distribution. It provides that the balance left after all expenses shall be paid to the boards in proportion to the number of candidates they have examined.

Mr. FITZGERALD. The purpose is to make it sure that there will be no surplus returned into the treasury of the District of Columbia.

Mr. TAYLOR of Ohio. Well, there will not be any surplus.

Mr. FITZGERALD. Not under the operations of this bill. That is apparent.

Mr. TAYLOR of Ohio. Under any circumstances there would not be any surplus.

Mr. FITZGERALD. One other question. In section 19 of the bill, why is it specifically provided that the superintendent of police and the corporation counsel shall be charged with the enforcement of this law? Is it the practice to insert in these bills the officials that shall be charged with the enforcement of the different laws that shall be enacted?

Mr. TAYLOR of Ohio. Yes; it is customary. I doubt its necessity, but it is customary to state things specifically when we know the specific person who should perform the duty.

Mr. FITZGERALD. Would not the law be enforced under the operation of the general laws of the District? Why is it necessary to specifically designate?

Mr. TAYLOR of Ohio. Can the gentleman suggest any harm in being specific in one of these statutes?

Mr. FITZGERALD. I know the results that will follow from this. Both of these officials will be coming here for additional help in order to perform the duties which they will claim are imposed upon them by this law. If the gentleman will yield for that purpose, I would like to offer an amendment to strike lines 18, 19, and 20 out, on page 22 of this act.

Mr. TAYLOR of Ohio. I shall not yield for any such purpose.

Mr. FITZGERALD. Mr. Speaker, is it the intention of the chairman of this committee to refuse an opportunity to amend bills of this character? If it is, he will not succeed in passing his bills as easily as he may imagine.

Mr. BABCOCK. Well, the gentleman can take that responsibility. I desire to say in reference to this bill that it is a proposition which has been under consideration for more than twenty-five years.

Mr. FITZGERALD. Not this particular bill.

Mr. BABCOCK. Two years ago, when this proposition was before the committee and the medical society, it was opposed by certain manufacturers of patent medicines that came before the society and admitted that they were using in their preparations one-half a grain of morphine to each fluid ounce. An ounce is two tablespoonfuls. The ordinary dose of the medicine is one tablespoonful, and in that dose you get a quarter of a grain of morphine. Their opposition and the failure to agree on the part of the medical society, the pharmacists, and the Commissioners prevented its being reported to the House. The effect of the consideration two years ago has been that these manufacturers have reduced the amount of morphine in these patent medicines to the limit in this bill—one-quarter of a grain to an ounce—which certainly ought to be enough.

And when the gentleman understands the great work that has been done by the medical society, by the Society of Pharmacists, by the Commissioners, and the effort for years, I certainly do not think he would want to impede the passage of this legislation. I have had come to my house, day and night, mothers, widows, and parents begging for some legislation that would prevent their children being able to buy cocaine. The cocaine habit has grown in Washington here in the last five years until it is a thousand times worse than the alcohol habit. There is more suffering from it. This bill seeks primarily to regulate the sale of poisons and to control the sale of narcotics. Now, so far as the execution of the law is concerned, it is the ordinary course that has been provided for. That is all I have to say, and I do hope the gentleman will not offer an amendment when he realizes the work that has been done in the preparation and perfection of this measure and in view of the agreement that has been reached by all interested.

Mr. FITZGERALD. Mr. Speaker, the gentleman is familiar with the manner in which bills are reported from his committee.

Mr. BABCOCK. Will the gentleman please speak a little louder?

Mr. FITZGERALD. Whenever his committee reports a bill to regulate any particular business and provides means for the enforcement of the law, so far as my knowledge goes it has not been the practice to specifically designate certain officials to enforce those laws. I have no objection to the passage of this bill. I think it will accomplish some good, but I have objection to giving any official some ground on which he can come to the Committee on Appropriations late in this session and say by reason of being named in this bill to enforce this law he requires additional help and more money for his department. This law will be enforced just as effectually without that language being in it.

Mr. BABCOCK. The specific purpose, if I understand the gentleman, is contained in these three lines: "And it shall be the duty of the major and superintendent of police of the District of Columbia and corporation counsel of said District to enforce the provisions of this act." Now, it is sought to make that specific so that it will be enforced and so that it can not be

said that no one is charged with it, and the bill makes it the specific duty of those officers to enforce it as though it were any other violation of law.

Mr. FITZGERALD. Mr. Speaker, it is the duty of the superintendent of police to enforce all laws which provide penalties for violation, and under the provisions of this act it would be the duty of the corporation counsel to institute proceedings to revoke licenses when requested by the Commissioners of the District. This language will have the effect of bringing here some time or other these two officials of the District of Columbia, who will point to this law and say under the operations of that law they require additional help, which in my judgment they will not require, and I suggest to the gentleman that it will not make much difficulty to give the House an opportunity to decide whether that language should be put in there.

Mr. BABCOCK. I do not think there is any objection to it, but it will simply tend to weaken the bill.

Mr. FITZGERALD. It will not help the bill if we give it, and in my judgment it will improve it very much if we leave that language out. If the gentleman will give the House a chance to pass on that question that is all I care for. And if more Members agree with me than with him, unquestionably it would go out.

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman yield me three minutes?

Mr. BABCOCK. Yes.

Mr. GAINES of Tennessee. Mr. Speaker, I do not agree with the gentleman from New York in his criticism of this bill. It seems that his criticism is based upon the fact that we direct certain officials connected with the court and police authorities to enforce this law. Possibly under the general law that might be their duty, but by specifically telling them to do so it emphasizes the importance of enforcing this law. It shows that Congress is more in earnest in having this law enforced than if we did not specifically direct them to do so. I think the bill would be improved on if we would also add words something like these, "And the court having jurisdiction shall charge the grand jury at its regular term to investigate alleged violations of this law." One of the great weaknesses, gentlemen, in our trust law, as I have contended here for ten years, is the fact that the people can not go before the grand jury and indict trusts. Under the present "practice" at least the Attorney-General of the United States has the right to say yes or no about indicting anybody or thing. He directs the district attorney to close or open the doors of the grand jury to the people, which is wrong. The people ought to have the legal right in this District and elsewhere to appear before the grand jury and tell them of unlawful acts. No officer should have the right to close the doors to the grand jury.

I heartily approve of the proposition that the corporation counsel shall see that this law is vigorously enforced, and I hope the gentleman from Michigan will offer an amendment saying that the judge in charge—the court having jurisdiction—shall especially charge the grand jury at each term of the court. Then you will get your law enforced.

Mr. CLARK of Missouri. Mr. Speaker, a question for information.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Missouri [Mr. CLARK]?

Mr. BABCOCK. Certainly.

Mr. CLARK of Missouri. How does it happen that nobody can offer an amendment to one of these committee bills?

Mr. BABCOCK. I do not think anything of that kind has happened. The gentleman from Ohio declined to yield in his time for the offering of an amendment.

Mr. CLARK of Missouri. When can an amendment be offered to it?

Mr. BABCOCK. There will be opportunity, unless the previous question is asked.

Mr. CLARK of Missouri. I know; but that is just exactly the trick it is done with—namely, to insist on the previous question. I do not care a straw about this—

Mr. BABCOCK. I will say to the gentleman I do not intend to call for the previous question. This bill must stand on its merits.

Mr. CLARK of Missouri. I want to say this, that I do not care anything about this bill, because I do not know anything about it; but I am opposed to the Committee on the District of Columbia or any other committee bringing a bill here and then rearing back on its pastern joints and saying that it shall not be amended. [Laughter.]

Mr. BABCOCK. Mr. Speaker, I appeal to the gentleman from New York not to offer an amendment, not to weaken the bill, but to let it go into law with its full force—with the officers mentioned charged to enforce the provisions of it. That

is what I ask of the gentleman from New York [Mr. FITZGERALD].

Now I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, it must appear to every man in this House that this is a bill dealing with matters decidedly technical. The physicians, pharmacists, and druggists of this city, as they stated before our committee, have been working for ten years, and this is the bill prepared by them as a result of that ten years of effort. It is intended to be as complete and perfect as those men can make it. I am not in harmony with the idea that we should shut off amendments by calling for the previous question; but if you undertake to amend this bill and pass it as amended, you may help it or you may not. It will be like shooting in the dark, unless the party who offers the amendment has special information on the subject.

I want to say frankly, as a member of the District Committee, that I do not know how to improve this bill—and I studied it as well as I possibly could—because I have not that technical training necessary to properly judge of it. But the objection of the gentleman from New York [Mr. FITZGERALD] seems to be based wholly upon the idea that it may in some way, by its enforcement, increase expenditures, and that there will have to be an additional appropriation in consequence thereof. I do not know whether that is true or not, but if, in order for this District to have a proper law, properly enforced, to stop the wholesale poisoning and the making of lunatics and maniacs in this District, and it does call for a little additional appropriation, I say, why not give it? Who wants to cause our asylums to be run over with maniacs and lunatics by the reason of the lack of such a law as this? We have got to take care of the asylums. We have got to go to the Appropriations Committee for that. I do not measure the value of legislation entirely upon whether it is to cost us nothing or not. If it benefits us, and the fees do not pay the expenses, the great Appropriations Committee of the House, of which the gentleman from New York is an honored and most valuable member, will judge of that when the matter is presented to them. If it should require a little additional expense to suppress as far as possible this death-dealing drug abuse in the District of Columbia, let us have it. And who is to judge of it if it is not the physicians and pharmacists and druggists who have practical and professional knowledge of it?

If we undertake to amend this bill, in all probability we will simply ruin it. That will be the result of it. I am the last Member of this House to advocate the shutting off of amendment and debate; but I appeal to the Members, as does the gentleman from Wisconsin [Mr. BABCOCK], that you do not offer an amendment unless you are sure it will not injure but, on the contrary, help the bill.

Sometimes we are ready on very slight consideration to offer amendments to a bill on the floor of the House we would not offer if we more fully understood it. I could not prepare a bill like this. I have not the requisite knowledge. Perhaps there are Members of the House who do have it, and we should have been very glad to have them appear before the committee. This is a long bill, technical in character, and I believe a very necessary and useful bill. We have got to rely on somebody, and if we can not rely on the druggists and the pharmacists and the physicians of this District when we have to prepare and introduce legislation that will bring about the particular results sought to be accomplished by this bill, where are we to go? How many of you gentlemen would go into that subject and study it so fully as to be able to thoroughly understand it before introducing a measure of this kind? I hope no serious effort will be made to amend this bill. I express the hope simply because I am afraid that in undertaking to make it better it may be made worse.

Mr. BABCOCK. I yield to the gentleman from New York, if he wishes to offer an amendment.

Mr. FITZGERALD. I wish to offer an amendment striking out lines 18, 19, and 20 on page 22; and I would like about three minutes on the amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, strike out lines 18, 19, and 20.

Mr. FITZGERALD. Mr. Speaker, I wish the gentleman to yield to me about three minutes.

Mr. BABCOCK. I yield three minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, this proposed law prohibits certain things in the District of Columbia and provides a penalty for the commission of them. It will be the duty of the police department to enforce this law. There is a provision in the bill which provides for the revocation of licenses upon cer-



tain complaints made by the Commissioners by proceedings in court. It will be the duty of the corporation counsel to take the proceedings when directed to do so by the Commissioners. To specifically designate these officers to enforce this law is entirely unnecessary. It is never the practice in legislation fixing crimes and penalties for their commission in the United States to provide specifically that the district attorneys shall enforce those laws.

It is an innovation to place this provision in this bill. To have the officers who are to administer this law alluded to in the act, or the official specially designated, gives them an excuse to come in and ask for assistants to enforce the law, merely because they have been enumerated in the bill. I can not see how it will harm this bill to amend it in the way I have suggested. The gentleman from Tennessee [Mr. SIMS] seems to imagine that because his committee has brought a long bill in here it would be dangerous for anybody else to have an opinion in regard to it that is different from that of the committee. It will be his privilege to vote as he pleases on the amendment; but I hope the House will not initiate this scheme of specifically naming the officer whose duty it is to enforce the law. It is presumed that they will perform their duty and enforce the law without such an enactment.

Mr. OLCOTT. Mr. Speaker, the remarks of the gentleman from New York seem to me to be remarkable. He seems to have great fear that by putting a statement in the bill stating clearly as to what officers shall perform this duty, it will be a serious matter. This provision does not in any way take from anybody else, whose duty it is to cause the laws to be enforced, that privilege or duty. It merely provides, where it is necessary to make an examination of books kept by pharmacists in this city, or in any other manner enforce the law, it shall be the duty of the major, or superintendent of the police force, to execute this law, and to see that the poisons, the sale of which we are seeking to control, are not improperly sold. What harm can it do to the bill to put this provision in? It might do very serious harm to leave it out. The bill has been reported after most careful consideration by the Committee on the District of Columbia after hearing from the pharmacists of the District. It has also been reported after very careful consideration by the Commissioners of the District and the District attorney; and it seems to me most remarkable to ask to have an amendment put in that is of such a trivial purpose, which can not do any good, and might do incalculable harm. I hope that the amendment will not be adopted.

Mr. BABCOCK. I call for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Speaker, I want to offer an amendment.

After the word "act," on page 22, line 20, add this:

And the courts having jurisdiction shall charge regularly their grand juries to investigate alleged violations of this law.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

After the word "act," in line 20, page 22, insert "and the courts having jurisdiction shall charge regularly their grand juries to investigate alleged violations of this law."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BANKS AND TRUST COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for present consideration of the bill (H. R. 118) to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That sections 713 and 714 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, are hereby amended so as, respectively, to read as follows:

"SEC. 713. All savings banks, or savings companies, or trust companies, or other banking institutions, organized under authority of any act of Congress to do business in the District of Columbia, or organized by virtue of the laws of any of the States of this Union, and having an office or banking house located within the District of Columbia where deposits or savings are received, shall be, and are hereby, required to make to the Comptroller of the Currency and to publish all the reports which national banking associations are required to make and publish under the provisions of sections 5211, 5212, and 5213 of the Revised

Statutes of the United States, and shall be subject to the same penalties for failure to make such reports as are therein provided, which penalties may be collected by suit before the supreme court of the District of Columbia. And the Comptroller shall have power, when in his opinion it is necessary, to take possession of any such bank or company, for the reasons and in the manner and to the same extent as are provided in the laws of the United States with respect to national banks.

"SEC. 714. The Comptroller of the Currency, in addition to the powers now conferred upon him by law for the examination of national banks, is hereby further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank mentioned in the preceding section. The expense of such examination shall be paid in the manner provided by section 5240 of the Revised Statutes of the United States relating to the examination of national banks.

"SEC. 714a. The Comptroller of the Currency, with the approval of the Secretary of the Treasury, is further authorized to make rules for the regulation of the banking business within the District of Columbia by the banks mentioned in section 713, and to provide for the enforcement of such regulations by the assessment of reasonable fines, which may be collected by suit before the supreme court of the District of Columbia. The expenses of such suit shall be paid from the proceeds of the fines collected, and the balance shall be annually paid to the Treasurer of the United States."

With the following amendment:

On page 1, line 9, after "companies," insert "or trust companies."

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KLINE].

Mr. KLINE. Mr. Speaker, this bill contemplates the extension of the provisions of sections 713 and 714 of the Code of Law for the District of Columbia to savings banks, savings companies, trust companies, or other banking institutions, organized by virtue of the laws of any of the States of the Union, having an office or banking house within the District where deposits or savings are received; and it also contemplates the enlargement of the powers of the Comptroller of the Currency in his supervision and regulation of banks, savings companies, trust companies, or other banking institutions, authorized under authority of any act of Congress, doing business in the District of Columbia, and organized by virtue of the laws of any of the States of the Union.

Section 713 of the Code of Law for the District of Columbia provides that all savings banks or savings companies or institutions organized under authority of any act of Congress, doing business in the District of Columbia, shall be required to make to the Comptroller of the Currency, and publish all the reports which national banking associations are required to make and publish, under the provisions of sections 5211, 5212, and 5213 of the Revised Statutes, and that they shall be subject to the same penalties for failure to make or publish such reports as are provided in said sections of the Revised Statutes.

Section 5211 of the Revised Statutes provides, among other things, that national banks shall make to the Comptroller of the Currency not less than five reports during each year, according to the form prescribed by the Comptroller, and in addition to said reports they may be required to make special reports.

Section 5212, among other things, provides that every national bank shall within ten days after the declaration of any dividend make a report to the Comptroller of the Currency, showing the amount of the dividend and the amount of net earnings in excess of such dividend.

From information and advices received, there are now nine savings banks or banking institutions, organized and incorporated by the laws of the States of Virginia, West Virginia, and Connecticut, engaged in business in the District of Columbia, where they are receiving deposits and savings. These institutions are presently only amenable to the laws of the several States from which they have received their several rights of organization or incorporation. They are presently amenable to no Federal regulation or control. Some of these institutions have been doing business in the District for many years. They have established their banking houses in the District permissibly, without any objection, and apparently have been continuing their business by a comity between the several States and the District of Columbia.

Several of these institutions have no office or place of business where they receive deposits or savings in the States under whose laws they have been incorporated. The People's Bank, the Aetna Bank and Trust Company, the Union Savings Bank, and Washington Savings Bank are incorporated under the laws of the State of West Virginia. The Home Savings Bank, the Merchants and Mechanics' Savings Bank, the McLaughlin Real Estate and Loan Company, and the Potomac Savings Bank are incorporated under the laws of the State of Virginia; and the International Banking Corporation is incorporated under the laws of the State of Connecticut.

The People's Bank, the Aetna Bank and Trust Company, the Home Savings Bank, the Union Savings Bank, and Washington Savings Bank are, respectively, capitalized at \$100,000, and the

Merchants and Mechanics' Savings Bank and the Potomac Savings Bank have a capital of \$50,000 each. The McLaughlin Real Estate and Loan Company has a paid-up capital of \$54,950, according to its last statement, and the International Banking Corporation is capitalized at \$3,250,000, has a surplus of \$3,250,000, and its aggregate assets, according to a statement made on June 30, 1905, amounted to \$32,472,426.54.

The latter-named banking corporation has its principal office and place of business in the city of New York, with branches and agencies in Washington and other cities of the United States, as well as in foreign countries. These several institutions have established a large and extensive trade, and apparently have acquired the confidence of the general public.

National banks, as is well known, under the national banking law, must make to the Comptroller of the Currency no less than five reports during each year, according to the form which may be prescribed by him, verified by oath or affirmation of the president or cashier of such association, and in most of the States the banking laws provide for a commissioner of banking, or some similar official, who, through his staff of examiners, makes annual or semiannual examinations of State banks, savings institutions, and trust companies, and in addition to said examinations such companies are required, according to the laws of some of the States, to furnish sworn statements of condition twice a year.

I am told that several of these institutions doing business in the District, organized under State laws, voluntarily make reports of their resources and liabilities and cause the same to be published at periods of time when the Comptroller of the Currency makes call for reports from national banks.

By section 714a the powers of the Comptroller of the Currency are enlarged; he is authorized, with the approval of the Secretary of the Treasury, to make rules for the regulation of the banking business within the District of Columbia, by the several classes of banks and institutions mentioned in section 713. This power should be vested in the Comptroller of the Currency. He is familiar with this class of business, and, with approval of the Secretary of the Treasury, can make more appropriate and effective rules for the regulation and supervision of this class of business than possibly Congress would be enabled to enact.

These several institutions mentioned in section 713, organized under the laws of the States, receiving deposits and savings, doing business under the power and authority granted to them by their several acts of incorporation, and having acquired the business and confidence of the general public in the District, not now amenable to any Federal regulation, should be made amenable to some supervising authority.

The committee has considered that the law intended to be enacted by this bill is a wise and meritorious safeguard. The Comptroller of the Currency approves of this legislation; it has the approval of the Commissioners of the District, and this bill, as advised, was drafted, prepared, and introduced at the instance of the District Commissioners.

The Comptroller of the Currency in his annual report to the first session of the Fifty-ninth Congress, on page 52, makes reference to this subject and calls attention of Congress to the necessity for legislation regulating banking institutions within the District of Columbia.

I request that the Clerk read from the report of the Comptroller of the Currency what is therein said on the subject now under discussion.

The Clerk read as follows:

#### BANKING INSTITUTIONS WITHIN THE DISTRICT OF COLUMBIA.

The attention of Congress is called to the necessity for legislation regulating banking institutions within the District of Columbia.

Under existing legislation only national banks, safe deposit, trust, loan, and mortgage companies, and savings banks organized under the laws of Congress, and banking institutions organized under State laws and having their principal place of business in the District, are required to make reports of their condition or are subject to any official supervision. As a matter of fact, every bank operating under a State charter within the District has, or claims to have, its "principal place of business" outside the District, and thus escapes or evades all governmental supervision and control.

Section 605, subchapter 3, of the District Code, providing for the general organization of corporations, excepts from its provisions only "banks of circulation and discount." Savings banks organized under this general act of Congress are required to make to the Comptroller of the Currency all the reports which national banking associations are required to make. The Comptroller has also power to cause examination to be made into the condition of any such savings bank, but he is without power to correct any abuse discovered, or to take any step for the protection of depositors, however unsafe he may find the condition of the bank. The power of the Comptroller is so limited as to render it practically useless.

The numerous banking institutions deriving their charters from the States have no other restrictions upon their methods of conducting business than such as may be contained in their respective charters. Many, if not all of them, are not required to make any reports of condition, are not subject to any examination, are not restricted as to

reserve fund, or as to loans, or as to the amount or character of their investments.

Congress having exclusive power of legislation within the District, depositors, no doubt, assume that their interests are not left to the care of distant State legislatures. The erroneous impression is strengthened by the fact that some of the banks, not required to make any report of condition, in fact publish such reports in the same manner and at the same time as those of national banks are published according to law.

The Comptroller respectfully recommends the passage of an act requiring all banking institutions receiving deposits in the District of Columbia to make reports of their condition, to be subject to examination, and to conduct their banking business under such regulations as will afford better protection to depositors than exists under present conditions.

Mr. KLINE. My judgment is that this bill should be passed in the form in which it is now presented to the House.

Mr. SHACKLEFORD. Mr. Speaker—

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. BABCOCK. Certainly.

Mr. SHACKLEFORD. Mr. Speaker, I do not care to detain the House with any lengthy remarks upon this bill. I am opposed to it, however. It seems to me a left-handed way of giving a legal status to some banking institutions in this District which now do not have it. It appears from the facts at our disposal that some banking institutions organized under the laws of the several States came here and established branch banks without any authority whatever. It is true that they were not proceeded against, and they have grown to be institutions of considerable standing in the District.

As I understand it, there never was any authority for them to be here, exercising corporate authority within this District, in the manner that they have.

Now, there is no authority under Federal law for national banks to establish branch banks. This is a question that should receive the mature consideration of this House, whether or not Congress desires to approve of the policy of branch banks. Coming up as it has before this committee, without any consideration of that feature, I believe the bill ought not to pass. Indeed, the bill ought not to have gone to the District of Columbia Committee in the first instance, but should have been referred to the Committee on Banking and Currency, where it belongs. Entertaining as I do these views, I shall vote against the bill, and I think it ought to fail.

Mr. BABCOCK. Mr. Speaker, I now yield ten minutes to the gentleman from Pennsylvania [Mr. MORRELL].

Mr. MORRELL. Mr. Speaker, two years ago, when the bill for appropriations for the District of Columbia was before the House, a Member who was not either a member of the Committee on the District of Columbia or the Appropriations Committee asked the question, in regard to an item, as to how that item compared with items in other cities of the same size as Washington. I was surprised at my own ignorance, being unable to answer his question. But it brought very forcibly to my mind the fact that some investigation should be made as far as that was concerned. During the following summer I collected statistics concerning the expenditures of fourteen other cities besides Washington. These statistics are arranged in tables. I had intended last winter to present the results of these investigations to the House, but unfortunately I was taken ill, and only returned on the very day on which the appropriation bill for the District was being considered.

Now, Mr. Speaker, it is popularly supposed that we are living in Washington under the best possible form of municipal government, and we are very happy in that belief. I do not mean to say that we are wrong in that belief, but I think it might be well to inquire as to whether the excellence of the government is commensurate with the expense. Inasmuch as I was unable to present these tables last winter, so as to bring them as near as possible to date, I again made inquiries directed to the cities themselves, reducing the number of cities for comparison from fourteen to seven, and only including those whose population was practically the same as that in Washington.

I will for a moment take up the time of the House by reading, not the tables themselves but some of the results of the deductions from those tables. For instance, it is worthy to note that in Buffalo, a city of 27 per cent more population and 5 per cent more property than Washington, the expense for all the ordinary purposes of a city government was 32 per cent less than that of Washington. Pittsburgh, with 15 per cent more population and 28 per cent more property, expended only 2 per cent more than the city of Washington for the purpose of a civil government.

Baltimore, with nearly twice the population, more than twice the property, and the victim of one of the greatest fires in the world's history, expended but 34 per cent more than the city of Washington, \$2,377,686 of which being expenditure resulting from the fire. Deducting this fire expenditure the percentage



for ordinary expense for Baltimore in 1904 was but 9 per cent more than that of Washington.

St. Louis, double in population and nearly double in property, expended but 18 per cent more than Washington.

These totals for ordinary expenditure for these seven cities, together with the percentages adduced, indicate an extravagance in expenditure for the city of Washington out of all proportion to the benefits derived. Had the comparison been extended to Cincinnati, Cleveland, Detroit, and other cities the comparison would have been still less in favor of Washington.

These ordinary expenditures cover salaries of city officials, clerks and laborers, expenses of the various departments of accounting, assessing, collecting and disbursing the funds; the expenses for electricity, gas, or other means of lighting; of water, excepting the original expenditure for plant; of the police, the fire, the health, charities, markets, parks, streets, and highways, including extension, sewers, garbage, ashes, schoolhouses, apparatus and school salaries, printing and binding, bridges, and all other items common to all cities for operation, protection, or education.

Taking up another table, for instance, the table of office expenditures, Washington, with a population of 74,000 less than Buffalo, expended for kindred office work \$87,429 more than Buffalo. Baltimore, with 230,000 more people than Washington, expends \$49,000 more than the city of Washington. Pittsburgh, with 42,000 more people, expends \$142,000 less money than Washington.

Mr. PAYNE. If the gentleman will allow me, when the gentleman speaks of the money expended in Washington he includes the one-half provided by the Government?

Mr. MORRELL. The total expense.

Mr. PAYNE. Including the half provided by the United States Government?

Mr. MORRELL. Yes. The entire cost, for instance, of the executive office in Washington in 1904 was \$74,403. For Baltimore, \$12,000; Boston, \$30,000; for Buffalo, \$11,000. Apparently, from these figures, the executive offices in Washington are rather, I might say, an expensive luxury.

The expense of the executive, assessors, collectors, and auditors' offices for Washington in 1904 was \$181,642; for Baltimore, \$74,661; for Pittsburgh, \$110,000; for St. Louis, \$127,544; for Boston, \$386,282; for Buffalo, \$108,336; for Newark, \$86,759. It will thus be seen that the Commissioners' office, which corresponds to the mayor's office in other cities, the collector's, the auditor's, and the assessor's offices cost very much more than all the other cities, except Boston, and more in proportion than Boston. The Washington classification has been so highly differentiated as to create unnecessary positions. No city of the same size, as far as I can gather, has half the force, and no one pays the clerks and assistants as high salaries.

Without at present going very closely into the details of these tables, I will state a few more expenses to attract, if possible, the attention of the House. Taking up the question of bridges, sewers, and street extensions, the table which I have shows that Washington expends about twice as much for street extensions and improvements as St. Louis or Boston, four times as much as Buffalo, and a hundred thousand dollars per year more than the city of Pittsburgh.

Take the question of schools. It appears that the city of Cleveland, with a population of 100,000 more than Washington, employs the same number of teachers in that year—that is to say, 1,329 teachers—under a system which educators estimate to be one of the best in the United States.

To take up these tables more in detail, first, I have compared the population and valuation of seven cities in the United States for the year 1904:

City.	Population.	Percentage.	Valuation.	Percentage.
Washington.....	278,718	100	\$237,862,000	100
St. Louis.....	575,298	206	439,584,490	185
Boston.....	560,892	203	1,206,644,267	507
Baltimore.....	508,857	182	503,144,182	211
Buffalo.....	352,887	127	249,373,000	105
Pittsburg.....	321,616	115	465,139,055	198
Newark, N. J.....	246,070	88	172,375,735	72

From this it will be seen that the population of St. Louis, Boston, Baltimore, Buffalo, and Pittsburgh exceeds the population of Washington from 15 to 106 per cent, Newark, N. J., being the only city having a less population and valuation than Washington. The assessed valuations of property, both real and per-

sonal, in St. Louis, Baltimore, Boston, Buffalo, and Pittsburgh exceed the valuation in Washington at from 5 to 402 per cent, the valuation of Newark being less than three-quarters of that of Washington.

Second, I shall call attention to Table 2:

TABLE No. 2.—Showing gross expenditure of seven cities for the year 1904.

City.	Gross expenditure.	Percentage.
Washington.....	\$10,257,547	100
St. Louis.....	13,818,126	134
Boston.....	42,717,476	416
Baltimore.....	16,973,052	165
Buffalo.....	7,286,582	70
Pittsburg.....	10,976,044	107
Newark, N. J.....	6,538,939	63

#### GROSS EXPENDITURES NO CRITERION.

Gross expenditures include interest on debt, amount set aside for the sinking fund, amounts to meet specific loans, and other extraordinary expenses. They are therefore an unsafe basis for critical comparison. I have already called attention to the fact that it is a little singular that Buffalo, with 27 per cent more population and 5 per cent more property, should expend 30 per cent less for all purposes. Also, that Pittsburgh, with a greater population and 98 per cent more property, should only expend 7 per cent more for all purposes, while Newark, with but 75 per cent of the property of Washington, has but a total expenditure of 63 per cent of that of Washington.

TABLE No. 3.—Shows the net or ordinary expenditure of seven cities for the year 1904.

City.	Ordinary expenditure.	Percentage.
Washington.....	\$9,079,908	100
St. Louis.....	10,734,141	118
Boston.....	32,638,005	359
Baltimore.....	12,193,118	134
Buffalo.....	6,176,876	68
Pittsburg.....	9,330,172	102
Newark, N. J.....	5,842,939	64

Office expenditures as here used comprehend the salaries of all executive officers, as mayor or commissioners, auditors or comptrollers, treasurers or disbursing officers, attorneys or law officers, collectors, sealers, etc., together with the clerical force provided by law. To be more explicit, I shall define office expenditure to include all the ordinary expenses of municipal government except the cost of the police force, the fire department, the lighting department, the schools, the health, charities, parks, and a few other miscellaneous expenses.

TABLE No. 4.—Office expenditures of seven cities for 1904 and five cities for 1902.

1904.		
Washington.....		\$416,867
St. Louis.....		741,477
Boston.....		740,407
Baltimore.....		465,870
Buffalo.....		329,438
Pittsburg.....		274,399
Newark, N. J.....		247,284
1902.		
Cleveland.....		98,999
Cincinnati.....		176,248
Detroit.....		207,488
Milwaukee.....		212,632
San Francisco.....		283,000

Thus, as I have already said, Washington, with a population of 74,169 less than Buffalo, expends for kindred office work \$87,429 more than Buffalo. Baltimore, with 230,139 more people than Washington, expends but \$49,003 more for office work. Pittsburgh, with 42,898 more people, expends \$142,468 less money. Detroit and Milwaukee, with about the same population, expend about one-half the money. The same is practically true of Cleveland, Cincinnati, and San Francisco. These are all well-governed cities, and there is no satisfactory reason for an expenditure in Washington of nearly twice as much for the same services. Newark, with but 75 per cent of the population, expends 60 per cent of Washington's expenditures. Because Washington is the capital of the country is no reason for doubling, trebling, and even quadrupling the aggregates paid for the same services in cities as large and even twice as large.

The other municipalities have a single head, for whose services one of them, Chicago, with a population of 1,698,575, pays \$5,000. Nearly all of the others pay from \$4,000 to \$6,000. Washington has a triple head, each part of which draws \$5,000,

with an allotment of a private secretary for each third of the authority. In other cities the chief officer is chosen by the people; has had a long residence in the city, and is identified with its material interests.

TABLE NO. 5.—Dealing with the police department, 1904 and 1902.

City.	Area (square miles).	Cost.	Cost per square mile.
1904.			
Washington	70	\$818,179	\$11,688
St. Louis	62	1,948,864	31,433
Boston	43	1,758,420	40,894
Baltimore	31	1,059,046	34,162
Buffalo	42	787,613	18,729
Pittsburg	28	620,000	22,143
Newark, N. J.	18	509,644	28,313
1902.			
Chicago	190	3,330,000	17,500
Cincinnati	37	577,607	15,600
Cleveland	33	874,000	11,300
Milwaukee	23	329,000	14,300
Philadelphia	129	2,689,915	20,700
San Francisco	41	849,248	20,700

Washington and Georgetown have an area of about 16 square miles; the remainder of the 70 square miles in the District, although under the police control of Washington, is served by a system of mounted police with beats of several square miles. The aggregate cost, \$818,179, is really distributed over an area of not more than 25 square miles, and costs about \$20,454 per square mile. Why police protection in Washington should cost twice as much as in Milwaukee and Cleveland and more than in Buffalo, Pittsburg, Newark, and Cincinnati is hard to understand. President Roosevelt and John C. Wilkie complimented the police force of Detroit in 1901 very highly. The police forces of any of the cities above named will compare in efficiency with the police force of Washington most favorably. Washington has 686 policemen; Baltimore, 972; Buffalo, 628; Newark (1902), 448; Cincinnati (1902), 536; Cleveland (1902), 376; Detroit (1902), 575; Milwaukee (1902), 322; Pittsburg (1902), 405.

Comparing the number of policemen in each city with its total valuation, we obtain the following interesting information: There is one policeman or police official in Washington for every \$340,000 of taxable property; in Baltimore, one for every \$510,000; Buffalo, one for every \$397,000; Pittsburg (1902), one for \$794,313; Milwaukee (1902), one for \$500,000; Detroit (1902), one for \$750,000; Cleveland (1902), one for \$400,000; Newark (1902), one for \$1,100,000.

If it be argued that the taxable property assigned to Washington is too small, being the valuation of the private property alone, it may be answered in reply that this does not materially affect the argument. The Government property is at all times under the protection of its own watch force, whose pay comes from the coffers of the National Government. If the valuation of Government buildings is to be added to one side of the account, then the expense of these extra police should be added to the other. It is evident from all these considerations that the Metropolitan police force of Washington, while a most efficient body, costs far more in proportion than other efficient bodies do in cities of the same or larger size throughout the country.

The expense account of the fire department in the city of Philadelphia—a city nearly five times as large and covering an area nearly twelve times as great as Washington proper—was \$985,319. Washington expended \$326,161. The following table will show the expenditures of seven cities for 1904 and five cities for 1902:

TABLE NO. 6.—Dealing with the fire department.

1904.		
Washington	\$382,217	
St. Louis	829,823	
Boston	1,334,382	
Baltimore	615,060	
Buffalo	741,661	
Pittsburg	600,000	
Newark, N. J.	405,008	
1902.		
Cleveland	412,999	
Cincinnati	471,373	
Detroit	465,932	
Milwaukee	421,333	
San Francisco	703,294	

Next comes streets and highways. This table shows the comparative expense in cities for extension and improvement of

streets, avenues, and alleys, excluding lighting, cleaning, sewerage, parks, and bridges, 1904.

## EXTENSION AND IMPROVEMENT OF STREETS.

City.	Extension.	Improvement.	Total.
Washington	\$199,504	\$583,723	\$783,227
St. Louis	89,138	219,443	308,581
Boston	43,283	320,770	364,053
Baltimore	1,132,458	784,122	1,916,580
Buffalo	18,095	175,468	193,563
Pittsburg			678,000
Newark, N. J.	Can not separate.		

## STREET CLEANING.

City.	Ashes and garbage.	Cleaning.	Total.
Washington	\$133,387	\$186,290	\$299,677
St. Louis	322,532	704,569	1,027,101
Boston	708,529	494,132	1,202,661
Baltimore	195,800	257,621	453,421
Buffalo	160,000	140,000	300,000
Pittsburg			
Newark, N. J.	85,500	224,237	309,737

\* The item in the preceding table covers all expense.

## STREET REPAIRING AND LIGHTING.

City.	Repairing.	Lighting.	Total.
Washington	\$293,427	\$288,923	\$582,350
St. Louis	605,169	566,715	1,171,884
Boston	1,073,445		1,073,445
Baltimore	180,510	320,121	500,631
Buffalo	50,632	303,391	354,023
Pittsburg	150,000	387,859	537,859
Newark, N. J.	167,917	240,694	408,611

## BRIDGES AND SEWERS.

City.	Bridges.	Sewers.	Total.
Washington	\$61,777	\$678,190	\$739,967
St. Louis	131,710	255,560	387,270
Boston	459,658	324,360	784,018
Baltimore	44,303	97,906	138,209
Buffalo	369,862		369,862
Pittsburg	31,050	(a)	31,050
Newark, N. J.	4,151	56,330	60,481

\* Included above.

It will be seen from these tables that, as I have said, Washington expends about twice as much for street extension and improvement as St. Louis and Boston, four times as much as Buffalo, and \$100,000 per year more than Pittsburg. The destructive fire at Baltimore cast such an amount of extra work upon that city as to make its expenditures for the year 1904 of no value in this comparison. Were less money spent upon street extension and improvement and more upon garbage and cleaning, a better equilibrium would be maintained.

The amount expended for sewerage seems to be very high when compared with that of St. Louis, Baltimore, and Buffalo.

Next I have a table of public schools. This table includes the expenditure for all schools—collegiate, business, art, kindergarten, normal, summer, and public—including salaries, books, fuel, buildings, grounds, and other contingencies, 1904 and 1902:

City.	Salaries.	Buildings and supplies.	Total.
1904.			
Washington	\$1,068,966	\$621,385	\$1,690,351
St. Louis			
Boston	2,631,358	3,106,876	5,738,234
Baltimore	1,169,147	270,897	1,440,044
Buffalo	1,081,650	87,021	1,168,671
Pittsburg	Both items included.		
Newark, N. J.	869,862	519,126	1,388,988
1902.			
Cincinnati	1,062,689	61,612	1,124,301
Cleveland	1,491,104	922,444	2,413,548
Detroit	763,002	334,829	1,097,831

\* Comptroller's report does not itemize.



Enrollment, number of teachers, and cost per pupil, based on total enrollment and total expenditure, 1903.

City.	Enrolled.	Teachers.	Cost per pupil.
Washington	48,745	1,339	\$33.30
Philadelphia	192,849	3,766	25.50
St. Louis	82,459	1,669	27.40
Newark, N. J.	42,230	863	23.20
Boston	97,871	2,195	44.00
Baltimore	88,528	1,689	19.10
Cincinnati	43,884	922	21.60
Cleveland	64,884	1,539	33.80
Pittsburg	51,494	1,008	27.90
Buffalo	60,779	1,199	24.80

One of the best systems of schools in the United States is that of Cleveland, Ohio. The figures upon which the above calculations were made were taken from the Report of the Commissioner of Education for 1903. It appears that the city of Cleveland, with a population of 100,000 more than Washington, employed the same number of teachers in that year. That is to say, 1,339 teachers in Cleveland, Ohio, under a system which educators admit to be one of the best in the United States, educated an enrolled population of 64,884, at a cost of \$33.80 each, while the same number of teachers in Washington educated 10,000 less, at a cost of only 50 cents less per capita. It will also be seen that the per capita cost for the education of a child in Philadelphia, under a system admittedly the best, is \$7.80 less than in Washington. The per capita cost of education in all the cities named, except Cleveland and Boston, is far below that of Washington. Newark and Cincinnati enroll almost as many pupils and educate them at a cost of from \$10 to \$12 less per capita. Buffalo educates 25 per cent more children than Washington, in schools equally as good or better, at \$9 less per capita. The fault of the Washington system lies first in its so-called "board of education." It is nonrepresentative as to residence, educational ability, and knowledge of educational affairs. The system is without a head, as the superintendent is divested of that part of the authority which goes to make efficiency in public instruction. He has no absolute control over principals or teachers. The principals lack subordination, as do the teachers. The pay of both teachers and principals is representative of the pay of teachers and principals in good schools throughout the country. The above figures demonstrate this conclusion.

The last table refers to charities and corrections for the year 1903:

City.	Charities.	Correc-tions.	Total.
Washington	\$688,343	\$153,122	\$821,465
Philadelphia	454,021	215,613	669,534
St. Louis	176,174	—	—
Newark, N. J.	218,406	—	—
Boston	1,257,302	—	—
Baltimore	387,169	—	—
Cincinnati	236,240	148,743	384,943
Cleveland	73,627	—	—
Detroit	60,500	40,696	101,196
Milwaukee	9,001	—	—
Chicago	227,000	155,534	382,534
Buffalo	114,261	—	—
Louisville	48,249	—	—
San Francisco	272,000	—	—

\* Includes both.

Mr. Speaker, this concludes the tables. I may add that it was in the course of this investigation that the matter of street extension was brought to my attention, as also several other matters in connection with the District of Columbia—for instance, taxation. I propose at some future occasion to burden the House with some remarks upon these other matters, and I do hope that the Members of the House will give attention to these tables when they appear in the RECORD and will scrutinize them carefully.

I ask it for this reason, because, as far as the expenditures of the District of Columbia is concerned, the Members of this House occupy a dual position of trust. First, they come here representing their constituents at home, a portion of whose taxes are used to pay for the government of the city; next, they represent also almost 400,000 of population of the city of Washington, who are deprived of suffrage and who have no means of regulating the expenditure of the money they pay in taxes. I trust for these reasons that the Members of the House will give these matters their careful attention.

Mr. BABCOCK. Mr. Speaker, I ask for a vote.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "companies," insert the words "or trust companies."

The SPEAKER. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

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

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the following bills:

S. 1098. An act granting an increase of pension to William J. Grow; and

S. 943. An act granting an increase of pension to Oscar R. Arnold.

#### EXTENSION OF RHODE ISLAND AVENUE NE.

Mr. BABCOCK. Mr. Speaker, I call from the Speaker's table the bill (S. 56) authorizing the extension of Rhode Island avenue NE.

The SPEAKER. The gentleman from Wisconsin calls up the bill (S. 56) authorizing the extension of Rhode Island avenue NE., and asks that it be taken from the Speaker's table and a similar House bill, which has been reported from the Committee on the District of Columbia and is on the Union Calendar, which the gentleman states should not be there, be put on the House Calendar. The Chair will state that he has not examined the bill. The gentleman from Wisconsin is familiar with it. What statement has the gentleman to make about it?

Mr. BABCOCK. Mr. Speaker, I would say that the bill carries no appropriation whatever from the General Government, and the expenses brought under the bill are paid by the abutting property owners. It is a street-opening bill.

The SPEAKER. And makes no charge upon the General Treasury?

Mr. BABCOCK. No.

The SPEAKER. Then the bill will be stricken from the Union Calendar and placed on the House Calendar. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, within ninety days from the approval of this act, to institute proceedings to condemn the land necessary for the extension of Rhode Island avenue from Lincoln road to Fourth street east, with a width of 130 feet.

SEC. 2. That all of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Rhode Island avenue, as herein provided, shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits against those pieces or parcels of land on each side of said avenue as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said avenue, as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said avenue as aforesaid.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice, and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned, nor are they in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said avenue and the condemnation of lands for the purpose of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court before accepting the jury shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or

cause any vacancy in the jury, when impaneled, to be filled, and after said jury shall have been organized and shall have viewed the premises said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise, as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having interest in the proceedings for the extension of said avenue. When the hearing is concluded, the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said avenue under the provisions hereof, and of the pieces or parcels of land benefited by such extension, and the amount of the assessment for such benefits against the same.

Sec. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said avenue or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

Sec. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby; *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

Sec. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Sec. 8. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in five equal annual installments, with interest at the rate of 4 per cent per annum from and after sixty days after the confirmation of the verdict and award. In all cases of payments the accounting officers shall take into account the assessments for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits, whenever such amendments will not interfere with the substantial rights of the parties interested.

Sec. 9. That each juror shall receive as compensation the sum of \$5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

Sec. 10. That the sum of \$300 is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

Sec. 11. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the extension of such avenue: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said avenue under the provisions hereof shall be paid as hereinbefore provided.

The SPEAKER. The question is on the third reading of the Senate bill.

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

The SPEAKER. Without objection, the similar House bill on the House Calendar will lie on the table.

There was no objection.

Mr. BABCOCK. Mr. Speaker, I now move that the votes by which the several bills reported from the District of Columbia and passed be reconsidered and that that motion lie on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### PUNISHMENT FOR WIFE BEATING.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8133) to provide for the infliction of corporal punishment upon all male persons convicted of willfully beating their wives, and the manner and place of inflicting the said punishment, and the officers by whom the same is to be inflicted, which I send to the desk and ask to have read:

The Clerk read as follows:

*Be it enacted, etc.*, That whenever hereafter any male person in the District of Columbia shall beat, bruise, or mutilate his wife, the court before whom such offender shall be tried and convicted shall direct the infliction of corporal punishment upon such offender, to be laid upon his bare back to the number of lashes not exceeding thirty, by means of a whip or lash of suitable proportions and strength for the purpose of this act.

Sec. 2. That the punishment provided in the first section of this act shall be inflicted by the marshal of the District of Columbia, or by one of his deputies, within the prison inclosure, and in the presence of

a duly licensed physician or surgeon and of the keeper of the said prison or one of his deputies, but in the presence of no other person.

Mr. BABCOCK. Mr. Speaker, I desire to say just a word in respect to this bill. This bill has been considered by the Committee on the District of Columbia, and the committee has agreed upon a unanimous report, and that is to report the same to the House without recommendation.

Mr. SIMS. Not a unanimous report.

Mr. BABCOCK. I beg the gentleman's pardon.

Mr. SIMS. There were three votes against it on the roll calls in the committee.

Mr. BABCOCK. I beg the gentleman's pardon. I understood the three votes were against the bill and not against reporting it to the House without recommendation.

Mr. SIMS. That would not be a unanimous report, would it?

Mr. BABCOCK. Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. ADAMS].

The SPEAKER. How much time does the gentleman yield?

Mr. BABCOCK. Such time as the gentleman desires.

Mr. BARTHOLDT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. I would like to know whether time will be granted to the opposition and whether somebody will be designated to have control of the time in opposition to the bill?

Mr. SIMS. Mr. Speaker, I ask for recognition, and then I shall yield to the opposition.

Mr. PAYNE. Mr. Speaker, I am willing to have the gentleman from Pennsylvania [Mr. ADAMS] present his views on this question, but I do not think the time of the House ought to be occupied a great while with it. If the gentleman will consent to divide the time of discussion between himself and the gentleman from Missouri [Mr. BARTHOLDT], and not take over an hour, I shall not object to it. Then I think the House ought to have a chance to vote on the question of whether the bill ought to be laid on the table or not.

Mr. MAHON. Well, Mr. Speaker, we desire to offer some amendments.

Mr. PAYNE. Mr. Speaker, I will say that the time of the House is too valuable for some of the amendments I have heard of. [Laughter.]

Mr. ADAMS of Pennsylvania. Mr. Speaker, I will be willing to yield half of my time to those in opposition, if that is satisfactory.

Mr. SIMS. Mr. Speaker, I am a member of the committee and I opposed this bill, and I desire to be recognized in opposition to the measure.

Mr. PAYNE. Well, suppose the arrangement be that the gentleman from Pennsylvania [Mr. ADAMS] yield half his time to the gentleman from Tennessee [Mr. SIMS], a member of the committee, who is opposed to the bill?

Mr. BABCOCK. Mr. Speaker, as I understand it, I am entitled to one hour.

The SPEAKER. That is correct.

Mr. BABCOCK. I yield one-half hour to the gentleman from Pennsylvania [Mr. ADAMS] and one-half hour to the gentleman from Tennessee [Mr. SIMS], a member of the committee, in opposition to the bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. ADAMS] is recognized.

Mr. GAINES of Tennessee. Mr. Speaker, just a moment. Does the gentleman think this bill should not be discussed longer than an hour? It is a new matter.

Mr. BABCOCK. The hour is all the time I have.

Mr. GAINES of Tennessee. Do you not think we ought to take more time? I suggest that to the gentleman.

Mr. PAYNE. That will be for the House to arrange afterwards.

Mr. GAINES of Tennessee. Then why limit it now?

Mr. PAYNE. It is not being limited now; it is simply distributing the hour, and afterwards it will be for the House to say whether they want to hear discussion longer.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask the serious—

Mr. MAHON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MAHON. I wish to offer the following amendment after the gentleman is through with his general statement.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I do not yield.

The SPEAKER. It is not in order for the gentleman to offer an amendment at this time.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I have the floor, and I do not yield.

Mr. MAHON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?



Mr. MAHON. I wish to make a parliamentary inquiry.  
Mr. ADAMS of Pennsylvania. Mr. Speaker, I do not yield the floor.

The SPEAKER. The gentleman can not interpose, the Chair takes it, even for a parliamentary inquiry while another gentleman has the floor.

Mr. MAHON. Mr. Speaker, I will make it in the future.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask serious consideration of this House for a few moments only to a subject which, while some are inclined to treat with levity, was considered of sufficient importance to be recommended by the President, who said in his message to the Fifty-eighth Congress, page 13:

There are certain offenders, whose criminality takes the shape of brutality and cruelty toward the weak, who need a special type of punishment. The wife beater, for example, is inadequately punished by imprisonment, for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality. Probably some form of corporal punishment would be the most adequate way of meeting this kind of crime.

Which has been unanimously indorsed by the Commissioners of the District of Columbia, to whom, under the practice of the committee having charge, matters relating to the District are referred for their consideration.

They sent the following letter to the chairman:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, January 3, 1906.

SIR: The Commissioners recommend favorable action upon H. R. bill 8133, Fifty-ninth Congress, first session, "To provide for the infliction of corporal punishment upon all male persons convicted of willfully beating their wives, and the manner and place of inflicting the said punishment, and the officers by whom the same is to be inflicted," which was referred to them at your instance for their views thereon, and invite particular attention to the fitness of retaining the provision that the punishment is to be administered in private.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

Hon. J. W. BARCOCK,

Chairman Committee on District of Columbia,

House of Representatives.

More than that, it has the entire support of one of the ablest chiefs of police who exists in this country, who stands so high in his profession that he is at the head of the organization of that body throughout the United States. Not only does he give his unequivocal support to this measure, but he furnishes statistics that will perhaps surprise the Members of this House who have not had their attention called to the fact that within the last two years there have been 508 cases of wife beating in the District of Columbia, and we know this is not a very large city.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT  
OF THE DISTRICT OF COLUMBIA,  
Washington, December 19, 1905.

MY DEAR SIR: I have the honor to inclose herewith a memorandum showing the number of cases of arrest in this jurisdiction where the charge was assault or assault and battery on women. The statistics are based on the records where the wife, or person of the same name as the defendant, was the complaining witness, as under existing law the charge is one of assault. Many of these cases were dismissed or nolle prosequed upon the request of the prosecuting witnesses.

If you will pardon the suggestion, I believe it would add to the completeness of your bill if you would include among those whom it would make subject to the penalty to be imposed the individuals who assault common-law wives or other females, as numerous instances of the kind have been recorded.

In my annual reports to the Commissioners of the District of Columbia I have heretofore expressed a favorable opinion for such a measure as you propose.

With best wishes, permit me to be,  
Very truly,

RICH. SYLVESTER,  
Major and Superintendent.

Hon. ROBERT ADAMS,  
House of Representatives, Washington, D. C.

#### MEMORANDUM.

The number of arrests on the charge of assaulting wives during the past two years was:

	Cases.
First precinct	15
Second precinct	76
Third precinct	65
Fourth precinct (14 white, 72 colored)	86
Fifth precinct	24
Sixth precinct (23 white, 73 colored)	96
Seventh precinct	39
Eighth precinct	57
Ninth precinct	32
Tenth precinct	18
Total	508

Therefore, Mr. Speaker, I think it is time to put levity aside and to listen to whatever may be submitted in the way of argument in support of this legislation. It is a curious thing, but the people who have looked into this question—the people who have made a study of this question and those who have been called—

Mr. STANLEY. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I decline to yield until I am through, then I will answer all questions—that those who have been thrown in relation to this crime, such as judges, magistrates, police—those to whom this revolting habit has been brought under their notice—are all in favor of this legislation, while those who pretend to cast it aside with flippancy and caricature and that maudlin sentiment that makes people send flowers to the cell of the condemned murderer, forgetting the victim, who lies in the cold ground, those people are opposed to this legislation.

I cite a few whose judgment should have weight on this question:

In 1874 the home office of England issued a circular requesting opinions whether flogging should be authorized in cases of assault, especially on women and children. There was a great unanimity of opinion that the law as it stood was insufficient, and that the penalty of flogging should be added to the list of sanctions. Lord Chief Justice Cockburn, Justices Blackburn, Meller, Lush, Quain, Archibald, Brett, Grove, Lord Chief Baron Kelly, and Barons Bramwell, Piggott, Pollock, Cleasby, and Amphlet were all of this opinion. Lord Coleridge and Mr. Justice Denman were hesitating, and Mr. Justice Keating, of all who sat upon the bench, was the only opponent of flogging.

The chairman and magistrates in sessions were, in sixty-four cases out of sixty-eight, in favor of whipping. The records of forty-one towns were likewise in favor of it, only three entering their protest against it. When, at the session of the legislature of Pennsylvania, a bill to establish the whipping post for wife beaters was introduced in the senate by the speaker he was flooded with letters from within and without the State in support of the bill, and copies thereof asked for even from Canada. The proposed act received the almost unanimous support of the public press. In the interrogatories sent to the several district attorneys the direct question of their opinion as to the establishment of the whipping post as a punishment was not asked for two reasons: First, in the agricultural counties the crime exists to a slight extent only, and the attorneys, probably in ignorance of its prevalence elsewhere, would naturally see no necessity for it; in the second place, the reasons for imposing whipping as a punishment solely for the crime of wife beating have but recently been given to the public. The following voluntary remarks, therefore, have double force as spontaneous opinions of the public prosecutors. The district attorney of Schuylkill County says:

There is a growing sentiment in this county in favor of your bill. Our judge has spoken favorably of it, and reminded a defendant, as he was about to sentence him, that he hoped the day was not distant when wife beaters would be punished as directed in your bill.

The district attorney of Westmoreland County adds:

As a rule, the same parties, in a year or so, turn up in court again for the same offense. The whipping post is the only adequate punishment for the offense.

The district attorney for Cameron County testifies:

The law in its present condition is utterly powerless to prevent this crime. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent its recurrence.

The district attorney of Adams County puts a postscript:

Your proposed correction of this evil, when the case is clearly established, meets with my hearty approval.

Forest County:

A law to flog wife beaters would be good.

The judgment of the district attorney of Bradford is:

We ought to have the old whipping post in Pennsylvania, and nothing else will so effectually check this most dastardly crime.

The district attorney of Franklin writes:

I heartily favor the whipping post.

Clearfield County, represented by district attorney, says:

In the writer's opinion, the Delaware whipping post would be a salutary preventive for this crime.

The opinion of the experienced district attorney of Philadelphia, who presented 308 bills to the grand jury and convicted 80 brutes of this cowardly crime, is:

In my judgment the reestablishment of the whipping post or some mode of corporal punishment, inflicted privately, would be more effective to reduce the number of wife beaters than the punishment of incarceration.

Three grand juries of Philadelphia County recommended the passage of this bill to the legislature, and four called the attention of the public to the prevalence of the crime. The opinions of the judges of the court of common pleas of the State, on the advisability of whipping as a remedy for wife beating, are generally unknown to the speaker, but the mature judgment of the

two judges longest in service on the Philadelphia bench—Judge Allison and Judge Ludlow (his junior but a few years)—both favored the proposed punishment.

In 1883 the legislature of Maryland passed a bill to punish wife beaters by whipping them, and the district attorney of Baltimore informed the speaker that after the first conviction the crime ceased as if by magic in that State.

Mr. Speaker, there are sound economic reasons for the passage of this proposed measure. Society is organized for self-protection. We institute police courts and prisons for the protection of the weaker combined against the brutal. We are taxed, and in some instances taxed heavily, to support an expensive police and legal operation and the maintenance of jails, and for the thief and for the murderer the taxpayer gets some return. His property is that much safer and his person is more secure. But what relation has this brute to the taxpayer? What heeds it to any one of us whether he plies his brutal vocation daily except the instinct of humanity that arouses our better sentiments. It affects the citizen in no degree if he plies his vocation every day, and yet what is the practical result? Under the present law he is arrested and—

Mr. WACHTER. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I decline to yield, and I request the House not to interrupt me until I get through, when I will answer all questions—and goes through all the expense of a trial and incarceration in jail and we are taxed to support him during his punishment. Does it end there? No; because

the class of people who indulge in such brutal customs generally are without means, and before the end of the term of his imprisonment his family and children are sent to the almshouse and again we are taxed to support this man's family and himself in jail for which we get no return whatever. That in no degree affects the safety of our person or the safety of our property.

This is surely a sound argument, and one that can be met by the fact that the students of penology are of one accord that there is something in the low instinct of the man who would inflict pain on something weaker than himself, be it the animal creation or be it the one whom he has sworn to cherish and support—that there is a peculiar trait in the mental capacity of such a one that the punishment he dreads more than any other is that of the infliction of corporal punishment on himself. I do not wish to weary the House with all the facts that I have gathered on this subject, for it has been a study with me for many years. There sits not one within the sound of my voice who, when this question was first submitted to me, treated it more lightly or was more opposed to it as it appealed to his judgment. But it was my duty as a legislator in the senate of Pennsylvania to take charge of the bill that my constituents put into my hands, and in fulfilling my duty I became more than convinced that the legislation was wise and founded on argument that to my mind, in the course of time, became unanswerable. I gathered statistics in the State of Pennsylvania, and there, I regret to say, the terrible showing was made of 500 wife beatings in that civilized State in one year.

County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Adams	3	2	2, costs and fines	American	No	None	Yes.
Allegheny			50, 5 days to 1 year				
Armstrong							
Beaver	2	1	1, 2 years	Irish	No		
Bedford	None.	None.			No		
Berks	10	8	5, fines and costs	4 Germans, 3 Irish, 1 English	Yes	2	Mostly.
Blair	4	1	1, 6 months	American	No	1	Yes.
Bradford	2	2	6, 2 days to 3 months	All	Yes	1	Yes.
Bucks	15	None.				1 or 2	Three-fourths were.
Butler							
Cambria	None.				No		
Cameron	1	1	1, 6 months	German	No		Yes.
Carbon	8	6	6, 30 days to 3 months	German, Irish	Yes	2	1 case.
Center							
Chester		4	4, fines and costs		Yes	No	Yes.
Clarion	3	2	6, years	German, Irish	No	No	No.
Clearfield	5	3	3, fines and costs	American, Irish, German	No	Not any	Yes.
Clinton	2	2	Costs and fines	German, American	No	None	No.
Columbia	None.	None.	None		No	No	
Crawford	2	2	2		No	No	Yes.
Cumberland							
Dauphin	2	2	1, 2 months	Colored	No	No	Yes.
Delaware							
Elk							
Erie	1	1	1, 1 year	German	No	1	Yes.
Fayette	a 3			American	1	1	1.
Forest	None.	None.	None		No		
Franklin	2	2	1, 6 months	German	Yes	None	No.
Fulton	1	None.		American	No		Yes.
Greene	3	2	1, 30 days	do	Yes	None	No.
Huntingdon	4	None.		do	No	No	No.
Indiana	None.						
Jefferson	2	1	1, 30 days	American	No	No	Yes.
Juniata	1	1	1, 6 months	German	No		Yes.
Lackawanna	6	6	1, 30 days	Hungarian	No	None	Yes.
Lancaster	7	None.	2		No	No	No.
Lawrence	None.				No		
Lebanon	12	8	8, 60 days	German, Irish	No	Not any	Yes.
Lehigh	4	None.	None	Irish and German	No	None	No.
Luzerne							
Lycoming	10	6	4, 15 days	American, Irish	No	No	Yes.
McKean	5	None.	5	Irish and American	No	None	Yes.
Mercer	2	None.	None		No	None	Yes.
Mifflin							
Monroe	None.				No		
Montgomery	9	9	4, 3 months	Irish, English, American	Yes	None	5 yes, 4 no.
Montour	None.				No		
Northampton	10	8	6, 30 days, 6 months	Irish, American	Yes	No	Yes.
Northumberland							
Perry	None.						
Philadelphia	308	182	80, 5 months	No record	Yes	Not many	Almost always.
Pike	None.				No		
Pottter							
Schuylkill	16	16	15, 30 days		No		Yes.
Snyder					No		
Somerset	1	1	1, 2 years 6 months	Italian	No	No	Yes.
Sullivan	2	None.	None	American	No	No	Yes.

a Wife desertion.



County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Susquehanna	None.				No		
Tioga	None.				No		
Union	None.				No		
Venango	1	1	1, 1 year	American	No	Yes	Yes.
Warren	None.						
Washington	4	None.	None	2 Welsh, Scotch-Irish	Yes	None	3 yes, 1 no.
Wayne	2	1	None	Irish	None	None	1 no, 1 yes.
Westmoreland	6	3	None	American	Yes	None	4 yes, 2 no.
Wyoming	2	None.	None	American, Hungarian	No	None	
York	None.				No		
	527	287	211, 3 months	Mostly foreigners	Yes 11, no 36.		Yes 30, no 7.
Camden	125	30	1, 15 to 60 days	Irish, German, American	Yes	A few	Mostly.

Five hundred and twenty-five brutal complaints by wives against their husbands for brutal beatings in one year is a terrible showing for a State so long settled and so far advanced in civilization in other respects as is Pennsylvania. Three hundred and thirty-seven of the complaints were pronounced well founded by the grand jury, and 211 husbands were convicted for terms averaging three months each, thus depriving their families of necessary support. Would that we could flatter ourselves that these returns showed the full extent of this crime in that Commonwealth, but it is probably ten times as great as is directly apparent. It will be noticed that there is no return from the coal regions of Luzerne County. Attention is also called to the prevalence of wife beating in Camden, N. J., which, except for geographical lines, is part of Philadelphia. The tabulated reports represent only the aggravated assaults, in which the wife, driven to desperation by repeated assaults, seeks to have her husband imprisoned.

Hundreds of minor cases appear before the justices of the peace or are settled before trial. This fact is established by the voluntary remarks of the several district attorneys. He of Lycoming County says:

The statement does not by any means represent the extent of the crime. Many prosecutions are settled before the justices that we never hear of. Many more wives are abused who will not make a complaint.

The prosecutor of Northampton County says:

There probably have been many more such cases returned for trial during the year, but settled by parties before bill is found. Many more have been settled by the justices of the peace and no returns made to court.

Blair County:

I have had a great many cases of wife beating, but only some three or four have come to trial; all generally settled, and frequently before preliminary hearing.

Montgomery County:

Desertion cases, which are disposed of on hearing without jury trial, develop a large amount of wife beating. These are not included in the queries. During the past year wife beating was developed in ten desertion cases.

The district attorney of Erie County says:

I find that a certain class of Englishmen beat their wives from habit.

Dauphin County:

Only two specific charges of assault and battery on wives, but in many desertion or maintenance cases the testimony showed personal violence by husbands.

Clearfield County reports:

Forty complaints have been made before magistrates in addition to complaints appearing in court.

In the thickly settled mining regions of Schuylkill County the preserver of the peace writes:

Thirty-six cases were returned by justices of the peace and were bound over by the judges for good behavior. Then we had about forty cases in which there was no trial from the fact that the wives asked the court to withdraw the prosecution of the defendant, as his imprisonment would leave the families in want.

It is needless, in order to establish the prevalence of this crime, to quote from others who write in a similar strain.

Further, it will be noticed that wife beating exists to a greater extent, though not exclusively, among the foreign population, and it is certainly desirable that the baneful influence of the practice should be promptly checked before contaminating our native-born people.

To the question, "Were the condemned under the influence of

liquor at the time of committing the crime?" the answer is almost invariably in the affirmative. Here is a thought for those interested in the temperance cause. What effect would the whipping post have on these drunken brutes? From eleven counties and from Camden comes the disheartening statement that in the opinion of the men best able to judge the crime is on the increase.

Surely, with its prevalence in many counties and its increase in others, the present law is proved to be inadequate, and legislation is necessary on the subject.

The knowledge of the frequency of wife beating will be startling to the community and the inadequacy of the present punishment evident. Infliction of punishment should always have a twofold end—the reform of the criminal and the prevention of the committing of the crime by others. Hobbes says:

In revenges or punishments man ought not to look at the greatness of the evil past, but the greatness of the good to follow, whereby we are forbidden to inflict punishment with any other design than for the conviction of the offender and the admonition of others.

The latter has the greatest interest for the public for its own safety and that of its property.

The ordinary procedure, when complaint is made, is before justices of the peace, to whom the wife applies to have her husband bound over to keep the peace or to provide maintenance. These cases are usually settled, the wife preferring to risk a second beating rather than deprive herself and offspring of food and shelter. The risk of such deprivation likewise deters the magistrate. The district attorney of Cameron County writes:

The greatest difficulty in enforcing the law properly and punishing wife beaters arises from the fact that the wives themselves in every instance come into court and beg their husbands' release. This has been my experience and my predecessor says his was the same. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent the constant occurrence of this crime.

The district attorney of Schuylkill County says:

There were about forty cases in which there was no trial, from the fact that the wives asked the court to withdraw the prosecution. To imprison the defendants would only leave their families in want.

The district attorney of Lycoming County testifies:

Except in aggravated cases settlement is encouraged, because the parties are all poor and have no money for the costs and fines, and their families suffer while they are in prison.

The district attorney of Pittsburg writes:

In most cases the wives come into court and beg for the release of their husbands.

The district attorney of Philadelphia says:

I have no doubt the imprisonment of the wife beater in a large majority of cases causes very great suffering to the innocent families—more, indeed, than his incarceration inflicts on him.

In the more formal and protracted procedure of complaint and indictment by the grand jury, followed by trial in court, the objections noted rise to even a greater degree of force, and Judge Mitchell, of Philadelphia, informed me that in cases in which conviction has been had he has invariably been appealed to by the wife to impose only a short sentence, as long imprisonment meant starvation to the family of the convicted.

Confinement in the county jail, where not even hard labor is imposed, has no terror for a brute so demoralized that he will strike a woman—his physical inferior—and by nature he is incapable of feeling for those suffering at home.

It has been urged that wives would not inform on their hus-

bands and expose them to the disgrace of being whipped. But at least they would have a chance, and it will be seen from the testimony given that the law as at present existent does not even give them any option, for with the want of food staring them in the face they dare not complain. The punishment of the lash is not open to the objection that want will follow to the complainants, and if they have a remedy and prefer to suffer, it is for them to decide. Wife beating is not done openly where the law can see and take cognizance of the breach of the peace, and that the law may be put in motion it is essential that the wife should be placed in an untrammelled position, free to protect herself by making complaint.

But more than that, Mr. Speaker; there was a general idea that the lash does not prevail as a punishment. There is a maudlin sentiment going around that this—the infliction of the lash—is a step back to barbarism. Why, I heard a Member of this House say but a few moments ago that he hoped he never would be elected to an office by the people so long as he lived if he ever consented to such a punishment as this. Why, that man is ennobling the culprit and forgetting the woman. He would spare the back of the wife beater, but forget the woman who is beaten.

One of the papers stated that the erection of the whipping post would be a disgrace to this capital. Why, Mr. Speaker, the disgrace to this capital is that the chief of police reports 508 wife beatings in the last two years; and, I take it, it will be to the honor of this capital if this body, responsible for the conduct of the inhabitants of the capital of our country, will institute a course of punishment which will cause it to go out to the world that the American people will not tolerate 500 brutes in the capital of the country who beat their wives.

Mr. Speaker, there has been legislation passed on this subject in some of the States in the Union. I wish it distinctly understood that I do not stand for the whipping post in Delaware as it exists, barring the statute for wife beating. I believe public whipping is degrading. I believe it has a bad effect and a demoralizing effect on the people. It has been stated in the public prints that there is no statute in Delaware against wife beating. That is not correct. It was passed expressly to cure this evil, and had no relation to the old-time statute against petty thievery, and so on. I have a letter from the district attorney of Delaware in which he states that this law has been most efficacious. So, too, in Maryland, where the law exists, it has been deterrent in its influence. Since this agitation started more widely two years ago, owing to attention being recalled to it by the President of the United States, a law has been passed in Oregon, and after three convictions the crime has almost disappeared.

Mr. STEPHENS of Texas. I desire to ask the gentleman a question.

Mr. ADAMS of Pennsylvania. I decline to yield.

If these are not serious reasons, I would like to submit to the House some further evidence in this regard. It has been urged that wives will not inform on their husbands. Since this question has been under agitation I have made some clippings from the newspapers. There was a man, an ex-policeman of this city, who was arrested for beating his wife in the most inhuman manner. He was brought before the magistrate, and the magistrate who tried the case said he regretted he had not a post to send him to; so the present law was put into effect and the man was sent to jail. A few days afterwards I got another clipping from the paper relating to this case, and the subject-matter of it was this: The wife goes to the magistrate and asks him that her husband be released. Why; because he did not deserve it? No. Because she has forgiven him? No. Why, then? Because she and her children were starving. That is the present law. You punish the innocent wife and children and feed and house the man who beats her. If there is a man here that that argument does not appeal to, he must be like Pharaoh and has hardened his heart.

Mr. Speaker, under this law the wives will have an opportunity to complain. That is all that the law does. If a man picks your pocket in the street and you do not choose to prosecute him, the law is futile. Put it into the power of the defenseless wife, who is not beaten in the highway, who has not police protection. He does not have even the courage of the highwayman, who attacks openly and brutally uses force. It is done in what ought to be the sanctity of home, where the screams of his wife can not be heard and where police protection does not reach her; therefore the crime should receive that punishment which fits the crime.

There is another question that might interest some Members of this House. It is an admitted fact that many of these beatings are not the natural instinct of the man, but that he has been inflamed and is under the influence of liquor. Here is a

thought for the temperance people. It is a demoralizing crime, and if a man knows it will lead to brutality, which will end in the lash of the whip, he may hesitate to take the final drink that will give him the great bravery to go home and attack his defenseless wife.

Now, Mr. Speaker, I will close for a few minutes, reserving the balance of my time. Before I do so, I wish to state that the result of this legislation where it exists has been most efficient. In Maryland this crime has been very much reduced. In Delaware they have a law where the reports show that it has been reduced where they have a whipping post.

Mr. WACHTER. The gentleman has told the House that the whipping post has been used efficiently in Maryland. Where does he get his figures?

Mr. ADAMS of Pennsylvania. I got my information from the prosecuting attorney.

Mr. WACHTER. Which one?

Mr. ADAMS of Pennsylvania. Not the present one.

Mr. WACHTER. One of fifty years ago?

Mr. ADAMS of Pennsylvania. Does not the gentleman think that it would be equally valuable now?

Mr. WACHTER. I want to say to the gentleman, for his information, that we have a whipping post in Baltimore city jail that we would like to sell to the District of Columbia. [Laughter.] Our law is still in existence, but there have been only two men whipped in all that time. There have been none whipped in the last ten years. I wish the gentleman to know that we have a whipping post for sale.

Mr. ADAMS of Pennsylvania. I would like to ask the gentleman a question in return. I am told that under the law of Maryland there are two courses that prevail as to the punishment. If the whipping has been very brutal, he is whipped; most of these cowards have pleaded guilty of the simpler offense.

Mr. WACHTER. I will state to the gentleman Maryland always assumes her responsibility. The women do not want it used any more than the men.

Mr. ADAMS of Pennsylvania. Where do you get your information?

Mr. WACHTER. Right at home [great laughter]—I mean, in Baltimore. [Renewed laughter.]

Mr. NORRIS. I would like to ask the gentleman, referring now to his bill, which he has introduced, wherein it says that the number of lashes given shall not exceed thirty. Would not the law, if this were enacted, leave it in the discretion of the person inflicting the punishment, rather than the court, to say how many lashes shall be given?

Mr. ADAMS of Pennsylvania. It would be in the discretion of the judge.

Mr. NORRIS. The law does not give the judge any discretion to say how many lashes shall be received. The sentence would be "not to exceed thirty." Now, who would be the man who would determine that?

Mr. ADAMS of Pennsylvania. The judge has discretion in inflicting punishment to say what the term of imprisonment shall be.

Mr. NORRIS. No; the judgment of the court would be that he be punished. It seems to me, considering it seriously, which I am, that if there is such a law enacted there ought to be an amendment providing that the court shall determine how many lashes shall be given.

Mr. ADAMS of Pennsylvania. I would be glad to accept an amendment to that effect.

Mr. JAMES. I desire to ask the gentleman a question.

Mr. ADAMS of Pennsylvania. I yield to the gentleman.

Mr. JAMES. I see that you say in your bill that this whipping shall be within the prison inclosure.

Mr. ADAMS of Pennsylvania. Yes, sir.

Mr. JAMES. I have heard with a great deal of interest your argument as to why this legislation should be enacted. Would you object to an amendment striking out those words and inserting in lieu thereof, "in front of the Peace Monument, Pennsylvania avenue." [Laughter.]

Mr. ADAMS of Pennsylvania. I am perfectly willing to extend courtesy to any gentleman who wishes to produce an effective measure, but I am not prepared to reply to anybody who is inclined to treat the subject with levity.

Mr. JAMES. The gentleman is entirely mistaken. I am treating with great seriousness the gentleman's bill.

Mr. ADAMS of Pennsylvania. I only wish to say that I shall be glad to listen to any proposition concerning this bill which is serious, but I am not inclined—

Mr. JAMES. I understand the gentleman to say—

Mr. ADAMS of Pennsylvania. I decline to yield further.

The SPEAKER pro tempore. The gentleman from Pennsylvania declines to yield further to the gentleman from Kentucky.



Mr. GAINES of Tennessee. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. ADAMS of Pennsylvania. I do.

Mr. GAINES of Tennessee. The gentleman from Maryland [Mr. WACHTER] says they have in their State of Maryland a whipping-post law, and that they are ready over there to sell the whipping post. He does not say they are willing to repeal the law, or that they have repealed it. He says they have not whipped a man over there in ten years, but he does not tell you that there have been any wives beaten. In other words, the law has suppressed the evil; and yet he stands opposed to the law. [Applause.]

Mr. ADAMS of Pennsylvania. I asked the gentleman from Maryland where he got his information, and he hadn't any, and sat down.

Mr. WACHTER. I beg the gentleman's pardon. I am ready to tell the gentleman all about it.

Mr. ADAMS of Pennsylvania. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. SIMS. Mr. Speaker, I will ask to have my attention called when I have used ten minutes, as I wish to yield some of my time to others.

Mr. Speaker, it would not be courteous to treat this matter or the gentleman from Pennsylvania other than seriously, because he has taken himself seriously and he is seriously in favor of this bill, and therefore as a courtesy to him I will treat the matter seriously; but if a vote were taken now I do not believe there would be more than one vote in this House in favor of this bill.

But I want to show how strongly this legislation has been recommended. The gentleman from Pennsylvania says the President of the United States recommended it a year ago. Well, he is a year older now, and in his recent message he did not recommend it. But let us see what the President did say before we charge him up with so grave a thing as recommending the restoration of the whipping post in the capital of the United States in the year 1906, in opposition to public opinion, to higher civilization, to every Christian church in the United States that I know of, and everybody else except the gentleman from Pennsylvania, who, I understand, has spent several years in trying to impress the legislature of his own State with the necessity of such a law for Philadelphia and other cities in Pennsylvania, but who has so far been utterly unable to convert anybody in the legislature of his own State.

Let us see what the President says. He says:

There are certain offenders, whose criminality takes the shape of brutality and cruelty toward the weak, who need a special type of punishment. The wife beater, for example, is inadequately punished by imprisonment, for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality.

Now, here comes the recommendation:

Probably some form of corporal punishment would be the most adequate way of meeting this kind of crime.

The whipping post is not mentioned, whipping is not mentioned, and it is only said that probably some form of physical punishment would meet the case. Now, that is the "strong recommendation" of the President of the United States twelve months ago last December, which he has not thought worthy of repetition in his recent message.

Now, let us see what the chief of police says in writing to the gentleman from Pennsylvania. He says:

MY DEAR SIR: I have the honor to inclose herewith a memorandum showing the number of cases of arrest in this jurisdiction where the charge was assault or assault and battery on women. The statistics are based on the records where the wife, or person of the same name as the defendant, was the complaining witness, as under existing law the charge is one of assault. Many of these cases were dismissed or nolle prosequed upon the request of the prosecuting witnesses.

Now, here is the suggestion of the chief of police:

If you will pardon the suggestion, I believe it would add to the completeness of your bill if you would include among those whom it would make subject to the penalty to be imposed the individuals who assault common-law wives or other females, as numerous instances of the kind have been recorded.

Why did not the gentleman from Pennsylvania accept the suggestion of the chief of police, Major Sylvester? It seems that this beating has not been confined alone to legal wives, but that there have been men who have beaten their common-law wives. I do not know how many such wives there are in the District of Columbia, but they are referred to, and also other females. Some Members have suggested that there ought to be an amendment to this bill to strike out the words "wife beaters" and insert the words "wife chasers." I do not know

what the effect of this would be, but we are wanting to benefit the District of Columbia and protect the wives, "common-law wives, and other females" who are beaten. So you see that the recommendation of the President falls to the ground when analyzed, and even the suggestion of the chief of police is not acceptable to the gentleman who introduced this bill.

Now, when we look at the report of the committee on this bill it shows that in the fourth precinct there were 14 white and 72 colored out of a total of 86 arrests for wife beating, and in the sixth precinct there were 23 white and 73 colored out of a total of 96 arrests for this offense. When you get at the facts, nearly all these cases of wife beating occur when the husband, or common-law husband, or the "chaser," or whatever he may be designated, was under the influence of intoxicating liquor. The best way in the world to cure an evil of this kind is to remove the cause. Why does not the gentleman from Pennsylvania [Mr. ADAMS] offer an amendment to abolish saloons in the District of Columbia, to stop all these habitual drunkards from getting drunk? Why have we not had recommendations along that line? If you want to stop an evil, the way to do it is to stop the cause which produces the evil. Why, the Government of the United States or the District of Columbia is a partner in every saloon in this District.

They charge a large fee or license and get a part of the profits of the business that makes wife beaters. Why does not the gentleman from Pennsylvania, if he is serious about this matter and really wants to stop wife beating, why doesn't he offer an amendment shutting up every saloon in the District of Columbia? You say that some beat their wives when sober. It may be that after having been drunk and brutalized themselves with liquor, that they have become brutes in the absence of liquor. I hardly think it necessary, Mr. Speaker, to discuss this bill much further.

Mr. JAMES. Will the gentleman allow a question?

Mr. SIMS. Certainly.

Mr. JAMES. In Kentucky we had a whipping-post law for petty larceny. That whipping was in public. This bill provides that it shall be private; that no person shall be present except the doctor and the person who does the whipping. Now, if the gentleman wants to stop wife beating, wouldn't it be a good thing to have it out where everybody can see it, where everybody could see how well the whipping was done—how well the lashes were laid on—

Mr. SIMS. In other words, whether he would whip them all alike, and not give thirty lashes lightly to one and thirty lashes heavily to another?

Mr. JAMES. Yes; so that they could see how the whipping was administered, and whether one man is whipped heavily and the other man lightly. My point is that if this is a good law it ought to be administered in the open light of day, where everybody can see how it is administered. [Applause.]

Mr. SIMS. I do not think it is good enough to administer anywhere, but I see the point of the gentleman's question—that if it is to be a deterrent, that if it is to be a warning to others, and if there isn't room enough elsewhere, we should build a platform on the top of the Washington Monument, so that people in the city may see and those from afar may also see [laughter] and know what we do, and will see that at least in whipping wife beaters we give a square, open deal. [Laughter.] But, Mr. Speaker, I am opposed to it, public or private; it has an element of brutality, as the gentleman indicated, by being done in private. Why need a surgeon if there is not going to be danger of taking human life? Why enact a law that requires the presence of a surgeon to execute?

Mr. CLAYTON. May I ask the gentleman a question?

Mr. SIMS. Yes.

Mr. CLAYTON. Has the gentleman any serious apprehension that this bill is going to pass?

Mr. SIMS. I haven't the slightest; but I do want the House to sit down on this proposition in such a fashion that no such bill will ever again be introduced.

Mr. JAMES. If the gentleman from Alabama will allow a suggestion. I made a suggestion a moment ago to the gentleman from Pennsylvania in the same direction as that of the suggestion of the gentleman from Alabama, and the gentleman from Pennsylvania took umbrage at it, and I suggest that the gentleman from Alabama may likewise be treated in the way I was.

Mr. CLAYTON. Yes; but the gentleman from Pennsylvania can not subject any of us to the whipping post. [Laughter.]

The SPEAKER pro tempore. The Chair will inform the gentleman from Tennessee that he has now occupied ten minutes.

Mr. SIMS. I will now yield five minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, I believe this matter ought to be taken seriously, and ought to be most soberly considered. The only argument that can be urged in its favor is that it tends to deter the crimes it punishes. There is no doubt that the auto-da-fé and the rack and the thumbscrew and the torture forcing confession from the pallid, quivering lips of a defendant all deter the crimes they are designed to punish. There is not an argument that can be used in favor of this brutal method of brutalizing a brute that can not be used in favor of all the dread instruments of torture that have been buried for a hundred years in the darkness of barbarism. [Applause.] I am surprised that this unusual measure should originate with the distinguished gentleman from Pennsylvania. Of all the men in the House, the last man to shed great tears as big as buttermilk biscuits over a suffering wife is the gentleman from Pennsylvania. [Laughter.] If it had come from some distinguished Representative from Utah I might have listened with more patience. [Laughter.]

Mr. CLAYTON. May I interrupt the gentleman?

Mr. STANLEY. Certainly.

Mr. CLAYTON. Some of us from the far South over on this side wish to know why the gentleman from Kentucky wants to make us hungry by mentioning buttermilk biscuits. [Laughter.]

Mr. CLARK. Force of habit.

Mr. STANLEY. As the gentleman from Missouri says, force of habit and the time of day. Now, if the gentleman wants to take in all the suffering women of this country, I think he ought to accept an amendment. There are more of them that are in pain because they are unmarried than are in pain because they are married and are beaten. [Laughter.] The gentleman from Pennsylvania belongs to a class who really inflict more torture than the wife beater. Mental anguish is more terrible than physical pain, and if he would only think of the great number whom he has left alone lamenting and upon whom he should have mercy he would not inflict such agony on the fair sex. [Laughter.] If this bill is to go through I want to offer an amendment that a like punishment shall be inflicted upon not only those who are guilty of wife beating, but those who feloniously refuse to take one. [Laughter.]

Mr. GAINES of Tennessee. Mr. Speaker, I want my gallant and lovable friend from Kentucky to tell me what he would do with a man, a husband, whom he saw beating his wife.

Mr. STANLEY. Well, that would depend upon the man, and also depend upon the wife. [Laughter.]

Mr. GAINES of Tennessee. Now, Mr. Speaker, I know that my gallant friend from Kentucky answers me facetiously. I know him too well to believe that he would laugh and walk off idly and not lay his hands on him and tear the head off his shoulders, if it was necessary. [Applause.]

Mr. STANLEY. Mr. Speaker, I appreciate the compliment which the gentleman from Tennessee pays me, but I do protest that I would hesitate to interfere, notwithstanding my southern chivalry, if the woman was red headed. [Laughter.] I do believe that if the gentleman from Pennsylvania [Mr. ADAMS] really understood the conditions, knew more of the temptations that flesh is heir to, if he could be induced to look with longing eyes toward some coy damsel weighing about 300 pounds, with auburn hair, he would change his mind about even the criminality of the offense which he attempts to punish. [Prolonged laughter.]

Mr. SIMS. Mr. Speaker, I yield ten minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, the business of this House, when it meets to make laws for the whole country, is usually of a serious nature—so serious, in fact, that an occasional flash of humor is often felt as a relief, the same as a gleam of sunshine would be on a gloomy day. Yet there is a limit even to fun and hilarity. I am sure no Member who has any regard for the reputation of this body would enjoy a joke if perpetrated at the expense of the dignity and honor of our country. To me, therefore, and I hope to many others, it is a source of satisfaction to know that the performance of this comedy takes place when the House is meeting merely as a board of aldermen for the city of Washington.

It is true, many a decent alderman would have a right to object to what he might regard as an invidious comparison, because since the dawn of the eighteenth century no municipal legislature has ever been recorded as seriously proposing to stoop to the tortures of the Middle Ages as a punishment for any crime, not even for so heinous offense as wife beating. Bodies of that kind have dealt with antismoking, antisputting, antidrinking, antitreating, antitipping, and antiwhipping ordinances, but if any ever proposed that a man shall be morally assassinated by the whipping process and yet be cruelly permitted to continue his physical existence, the fact has escaped

the chroniclers of history. No doubt the average alderman hesitated to borrow his punitive instruments from the chamber of torture out of consideration for the wife in such a case, the unfortunate wife who, already wronged and insulted by a brutal husband, would be punished still more severely by this mode of punishment inflicted upon her lawful partner in life. And can anyone take a different view of it? Will that poor woman not be branded for life? And will you not bring lasting shame and disgrace upon the innocent children, the blameless parents of the unfortunate couple, and upon the whole circle of their relations?

Mr. Speaker, the man who lays hands on woman in the manner described in this bill is a brute, and I have never known anyone to excuse wife beating, because there is, there can be, no excuse for such brutality. The only one who has a right to do it, and who frequently does do it, is the wife herself. The chief of police of this city, Major Sylvester, reports that "many of these cases were dismissed or nolle prosequed upon the request of the prosecuting witnesses."

Thus it seems that the wife, in the goodness of her heart, often forgives the husband's rash act, but while she thus, rightfully or wrongfully, shows her magnanimity, surely she would never consent to again accept as her side partner a whipped cur, a creature who has been publicly sent to the whipping post. And what about him? A living being, degraded and shorn of every claim to the consideration of his fellow-man, without honor, the last spark of self-esteem ruthlessly destroyed in him, handed over to the contempt of a pitiless world, with absolutely nothing to lose save the breath of life. Has the course of human justice ever been such as to bring forth a victim equal to him, even in the darkest ages? In Russia the knout is said to be applied to unruly prisoners, but Russian despotism is merciful in comparison with the provisions of this bill, because it withholds the names.

In my judgment, Mr. Speaker, it would be a thousand times more merciful to kill the offender outright. Will it have a deterring effect? Not any more than the gallows will deter a man from committing murder, and all will admit that the gallows in that respect has proved an absolute failure. The American woman enjoys the reputation of occupying a higher position socially than the woman of any other country, and as American men we are justly proud of that fact. [Applause.] The whipping post is sure to rob us of this proud distinction. And why? Because it involves the humiliating confession before all the world that in the United States such a contemptible institution is necessary to protect woman against the brutality of man; that the inviolability of the American woman can not be safeguarded otherwise. Are the Members of this House willing to destroy, by heralding this fatal admission abroad, the fair reputation of our country in the eyes of the civilized nations?

I say, rather let us, by voting down this bill, serve notice on them that as the honor and integrity of the flag does not depend upon the guns put up to guard it, but upon the moral conduct of the nation, so does the security and honor of woman, in America at least, not depend upon the revival of the whipping post, but upon the decency, the education, the refinement of the citizen. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to have five minutes more.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I will not object if I can have five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BURTON of Delaware. Do you not think it is better we should take a vote in this House rather than allow the world to think we ever seriously considered this matter in the House?

Mr. BARTHOLDT. I was going to make that suggestion.

Mr. CLAYTON. Mr. Speaker, I would like to understand the remarks the gentleman from Delaware addressed to the gentleman from Missouri. I could not hear, and the gentleman from Delaware represents, I believe, the only State that has a whipping post in it, and I want to know what his opinion is about this measure.

Mr. BARTHOLDT. The gentleman suggested that the House should not lose its time, but proceed to a vote in order to avoid the impression that we are serious in this matter. [Laughter.] But, Mr. Speaker, it was not my intention to really argue this monstrous proposition. If I had a constituency favoring it, I should prefer to resign my seat in Congress, return to my sanctum, take pen in hand, and write editorials against it. But to oppose it here and in all seriousness is not at all advisable, because by so doing the impression might be conveyed to the people that there was really danger of this country relapsing



into barbarism. For this reason I shall change my tune and hope other opponents will also discuss the matter in a lighter vein.

In the treatment of this subject there are, fortunately, many alternatives left. In the first place, it could be treated with silent contempt and put out of the way by a rising vote. Furthermore, if we could not marvel at the originality of the father of this bill we could at least admire his courage and his well-meaning, though misplaced, chivalry. But the best course, after all, for the House to pursue, it seems to me, will be to enter into the spirit of the occasion. If the whipping post is a good thing for wife beating, other cruel inventions, dug out of the dust and debris of past ages, may prove a panacea against other offenses. And if this is the proper way to protect woman in one respect, why not try to protect her by similar means all along the line against all offenses which may be committed against her? In order to make this kind of legislation complete and apply it for the protection not only of married, but also of unmarried women, I suggest the following amendments:

Sec. 3. Whenever hereafter any male person in the District of Columbia fails to properly support his wife and family, the court before whom such offender shall be tried and convicted shall direct him to be put upon the rack for such length of time as in the opinion of the public executioner will be an adequate punishment for the offense.

Sec. 4. Whenever hereafter any male person in the District of Columbia willfully deserts his wife or maliciously breaks the marriage vow, the court shall direct the public executioner to pinch such offender with red-hot tongs in the most suitable parts of his body for such length of time as in the opinion of such executioner shall be an adequate punishment for the offense.

[Laughter.]

Sec. 5. Whenever hereafter any male person in the District of Columbia of the age of 25 years and over persistently refuses to enter the state of matrimony, the court shall direct the public executioner to make such offender stand in the pillory until he promises to take unto himself a wife.

[Laughter.]

And if, after six months, it is found that this promise has not been faithfully kept, such offender shall be burnt at the stake.

[Great laughter.]

Sec. 6. To carry out the purposes of this act the Commissioners of the District of Columbia are hereby authorized to purchase a whipping post, a rack, a pillory, and a stake, and a sum not exceeding \$10,000 is hereby appropriated for such purpose out of any money in the Treasury not otherwise appropriated.

[Laughter.]

Mr. SIMS. Mr. Speaker, I promised to yield to the gentleman from Pennsylvania [Mr. MAHON] for five minutes, and I was also very anxious to let the gentleman from New York [Mr. SULZER] and the gentleman from Tennessee [Mr. GAINES] have five minutes, and I will ask unanimous consent that after the gentleman from Pennsylvania has had five minutes these other gentlemen have also five minutes each.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I would like to ask for ten minutes more.

Mr. PAYNE. What is the request?

The SPEAKER pro tempore. The request is that altogether an additional ten minutes be granted to the gentleman from Tennessee [Mr. GAINES] and the gentleman from New York [Mr. SULZER].

Mr. PAYNE. Mr. Speaker, I think I will have to object to that.

Mr. SIMS. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. Five minutes.

Mr. SIMS. I yield to the gentleman from Pennsylvania [Mr. MAHON], as I promised.

Mr. MAHON. There are two sides to every question. I take it that the gentleman from Pennsylvania [Mr. ADAMS] is serious; at least, he hopes for the passage of the bill. We can not tell who will vote for it. It will not be a very gratifying thing to the people of this nation to have the other countries across the ocean witness the whipping of a President of the United States in the District of Columbia, or a Cabinet officer, Senator, or Representative. So I will offer an amendment to prevent that sort of thing.

Any man who has practiced law for thirty-five or forty years, as I have, and as have many other gentlemen here, and have had these family troubles in his office, not only among the humble, but the rich, where wives have come to tell dreadful tales, has found upon investigation that the trouble was not altogether with the husband. I have known good men—laboring men, not drunkards—who would come to their home at night and would find no supper cooked for them—

Mr. CLAYTON. Henpecked husbands, for instance?

Mr. MAHON. No; worse than that. The wife will begin to haggle and worry them—a woman that has a tongue with a sharp edge on each side and as rough as a file on its bottom, which she constantly uses from morning until night. If the husband would give her a little push to get rid of her, she would run to the magistrate's and prefer a charge of aggravated assault and battery. I have no patience with a man who would even strike a woman

of that kind. A man who would strike a woman is a coward. If a woman would spit in my face on the streets, or anywhere, I would turn my back and walk away from her. But all men are not alike. There is such a thing as aggravating some men, and perhaps they will strike their wives. Now, our courts provide punishment, with a jury of twelve men and under a good judge, and the wife can convict a man for assault and battery or for an aggravated assault and battery, and send him to prison. I believe in Delaware they not only put them in the stocks and whip them, but they then send them to jail.

Now, Mr. Speaker, as I said before, we have all kinds of people in this world, and while the American women are the best women in the world, I find out, unfortunately, that among them is occasionally found a woman who can not control her temper or her tongue. And in order to protect the President, the Cabinet ministers, Senators, and Members of Congress, if in future they should take for better or worse such a wife, I offer the following amendment, and send it to the Clerk's desk to be read.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MAHON] offers an amendment, which the Clerk will read. The Clerk read as follows:

Sec. 3. That any wife who shall become a common scold, commonly known as a "hell-cat," upon conviction, the court before whom such offender shall be tried and convicted shall direct the marshal of the District, in the presence of the public, to duck said offender in the Potomac River not less than five nor more than ten times: *Provided*, That the provisions of this act shall not apply to the President, members of the Cabinet, Senators, and Members of Congress.

[Laughter and applause.]

Mr. MAHON. Now, Mr. Speaker, has there been a point of order reserved on that amendment? Now, to be a little serious, the good women of this country—

Mr. ADAMS of Pennsylvania. Mr. Speaker, does the gentleman offer that as an amendment?

The SPEAKER pro tempore. The proposed amendment was read only for information. This is not the time to offer an amendment.

Mr. MAHON. Mr. Speaker, I am willing to change my amendment so that instead of the marshal ducking these women, the author of this bill be privileged to take them out and spank them.

The SPEAKER pro tempore. The time of the gentleman has expired. [Laughter.]

Mr. SIMS. Mr. Speaker, there are three gentlemen, Mr. SMYER of Ohio, Mr. SULZER of New York, and Mr. GAINES of Tennessee, who desire five minutes each, and I therefore ask unanimous consent that the time be so extended, and that the gentleman from Pennsylvania [Mr. ADAMS] have a like amount.

The SPEAKER pro tempore. The gentleman from Tennessee requests the time be extended fifteen minutes so that each of the gentlemen mentioned shall have five minutes and the gentleman from Pennsylvania a similar time.

Mr. PAYNE. I object.

Mr. ADAMS of Pennsylvania. I move, Mr. Speaker, the time be extended fifteen minutes so as to complete the consideration of this question.

Mr. PAYNE. I make the point of order against that motion.

The SPEAKER pro tempore. The motion is out of order. All this discussion is out of the time of the gentleman from Wisconsin.

Mr. ADAMS of Pennsylvania. Have the other side exhausted their time?

The SPEAKER pro tempore. The other side have exhausted their time.

Mr. ADAMS of Pennsylvania. I yield thirteen minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I know that nothing I can say will save this bill. It ought to pass, but I am satisfied that it will not. It is a bill to prevent the crime of wife beating in the capital of this nation, and gentlemen all over this House are laughing at the idea of trying to prevent that crime in the capital of the nation. Five hundred and eight wives in the last two years have been beaten by their husbands, and gentlemen make merry over a law [applause] that seeks simply to bring proper punishment to the man who will whip his wife. And the gentleman from New York, the leader of this House, wanted to treat this question as one of such levity that even an hour ought to be devoted to it, and chivalric gentlemen from Kentucky—chivalric Kentucky—they make merry at the expense of those who want to take away from them the privilege of whipping their wives in the capital of the nation. [Laughter and applause.]

Mr. Speaker, in my judgment this is a serious matter and ought to receive the serious attention of gentlemen. The bowels of compassion of the gentleman from Missouri yearn toward the wife beater. He thinks that it would result in the ruin

and degradation of such a man to whip him. Can you ruin a beast like that? Can you discredit that kind of man? [Applause.] Will whipping make him more a beast?

We boast that the home, the American home, is the unit of our civilization. How can you have homes, American homes, where even in the capital of the nation men may whip their wives? The home is the ideal here, because of the equality that exists in husband and wife and child. No primogeniture, no entail; nothing of that kind. All are equal, and love presides over the home, and it makes the ideal home, nowhere else seen in all the world, because conditions such as these exist nowhere else.

But here in the capital of the nation there were 508 men who have destroyed their homes in the last two years, and it is proposed to do something to check that destruction of the home. Why, gentlemen say, there is ample provision now. There is no necessity for radical means. Why, our civilization has labored upon these men. That has failed. The teachings of the church have failed to influence them. The solemn ceremony that they have gone through when they took upon themselves the duties and obligations of establishing a home—to honor the wife, to love and to cherish the wife—they have failed. Every means that has been resorted to up to this time has been a failure—a complete, woeful, dismal failure—as is shown by this record, this horrible record of 508 cases in two years of time.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. No, sir. I beg your pardon. Mr. Speaker, the gentleman tells us that there is ample law; that they can be punished. How? All the punishment to-day of the husband who is the malefactor intensifies the suffering and the punishment of the wife. He is the breadwinner most usually. It is not usually the man with abundance; and when you incarcerate him in the penitentiary you doom the wife and the children to added suffering, to the pangs of hunger and the rigors of cold. And that is in the capital. Is that the remedy? Ah, but the gentleman says, we will advertise to the capitals of the world that we must go backward centuries to the brutalities of medieval times in order to protect our women. How much better it is to advertise to the capitals of the world and to all mankind that we are making a manly effort to suppress and exterminate this wrong than to allow it to go on in the capital of the nation and under the flag that means so much.

Mr. Speaker, this bill ought not to be received with levity; it ought to receive serious consideration of gentlemen. The remedy proposed may not be the best one, but some one other than those we have ought to be resorted to.

Something ought to be done to put an end to this record of horror and crime—this destruction of homes. Gentlemen say that you brand this man whom you punish in this way, and that his wife would never recognize him again, and that you put a stigma upon his children. Is it not better that they, innocent as they may be, should suffer sometimes rather than that this should go on and the child life of thousands be destroyed because of homes of this character?

Gentlemen, there are two sides to this question; and are we going to be deterred from using the only means that you can make applicable to this kind of men simply because learned gentlemen from chivalric Kentucky talk about thumbscrews and all of the punishments of inquisitorial days? No one wants to bring back those evil times; but if there is some one punishment that is adaptable to this class of men, to whom nothing else seems to be adaptable, I would not refuse it because civilization in the main has discarded its use and discarded in large measure the offenses that it was then applicable to. [Applause.]

Mr. PAYNE. Mr. Speaker, I move that the bill do lie upon the table.

The SPEAKER pro tempore. The gentleman from New York moves that the bill be laid upon the table.

Mr. NORRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. NORRIS. I should like to inquire whether, under the rule prohibiting any Member from voting where he has a personal interest in the result, the members from Maryland, where they have a whipping post for sale, will be allowed to vote on this question? [Laughter.]

Mr. SIMS. Mr. Speaker, I want to ask the gentleman from New York to withdraw his motion and let us have about thirty minutes more time for debate. Several gentlemen want time on this side.

Mr. PAYNE. I call for the regular order, Mr. Speaker.

Mr. ADAMS of Pennsylvania. I trust the gentleman from New York will not insist upon that.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York.

Mr. SIMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 60, answered "present" 7, not voting 164, as follows:

## YEAS—153.

Alexander	Ellis	Lawrence	Shartel
Allen, N. J.	Esch	Lester	Sheppard
Ames	Field	Lloyd	Sherman
Bartholdt	Fitzgerald	Longworth	Sibley
Bennett, Ky.	Flack	Lorimer	Sims
Birdsall	Floyd	Loud	Slomp
Blackburn	Foss	Loudenslager	Smith, Iowa.
Boutell	Foster, Ind.	McCall	Southard
Brown	Fulkerson	McCarthy	Southwick
Brownlow	Gardner, Mass.	Mahon	Stafford
Buckman	Gillett, Mass.	Marshall	Stanley
Burgess	Goebel	Meyer	Stephens, Tex.
Burke, S. Dak.	Graft	Miller	Sterling
Burleigh	Graham	Minor	Sullivan, Mass.
Burton, Del.	Gregg	Moon, Pa.	Sulloway
Butler, Pa.	Gronna	Moon, Tenn.	Sulzer
Butler, Tenn.	Grosvenor	Mudd	Talbott
Capron	Gudger	Murdock	Tawney
Chapman	Hale	Nevin	Taylor, Ohio
Clark, Fla.	Hay	Norris	Thomas, N. C.
Clark, Mo.	Hedge	Olcott	Tirrell
Clayton	Hedlin	Otjen	Tyndall
Cole	Henry, Conn.	Overstreet	Volstead
Cooper, Pa.	Hermann	Padgett	Wachter
Cooper, Wis.	Hill, Conn.	Page	Wadsworth
Curtis	Holliday	Patterson, S. C.	Waldo
Cushman	Howell, N. J.	Payne	Webb
Dale	Howell, Utah	Perkins	Webber
Dalzell	Hughes	Pollard	Weeks
Davey, La.	Hull	Powers	Weems
Davidson	Humphrey, Wash.	Randall, Tex.	Wharton
Davis, Minn.	Hunt	Reeder	Wiley, Ala.
Dawson	Kellher	Reld	Wilson
Denby	Kennedy, Nebr.	Roberts	Wood, Mo.
Dixon, Ind.	Ketcham	Robinson, Ark.	Wood, N. J.
Draper	Kitchin, Wm. W.	Rodenberg	Young
Driscoll	Knapp	Ruppert	
Edwards	Knowland	Ryan	
Ellerbe	Lacey	Shackleford	

## NAYS—60.

Acheson	Davis, W. Va.	Huff	Ransdell, La.
Adams, Pa.	Dovener	Jones, Va.	Reynolds
Babcock	Fletcher	Jones, Wash.	Richardson, Ky.
Bartlett	French	Lamb	Rixey
Bates	Fuller	Lee	Scroggy
Beall, Tex.	Gaines, Tenn.	Lilley, Pa.	Slayden
Bell, Ga.	Gardner, N. J.	Livingston	Small
Bowers	Garner	Lovering	Smith, Ill.
Bowersock	Hayes	Macon	Smith, Samuel W.
Brantley	Hill, Miss.	Madden	Smith, Tex.
Brooks, Tex.	Hoar	Moore	Smyser
Burleson	Hopkins	Morrell	Spight
Burnett	Houston	Murphy	Trimble
Byrd	Howard	Parker	Wallace
Chaney	Hubbard	Pou	Watkins

## ANSWERED "PRESENT"—7.

Candler	Jenkins	Patterson, N. C.	Wanger
Hardwick	Kline	Sherley	

## NOT VOTING—164.

Adams, Wis.	Dresser	Kitchin, Claude	Prince
Adamson	Dunwell	Klepper	Pujo
Aiken	Dwight	Knopf	Rainey
Allen, Me.	Fassett	Lafean	Rhinock
Andrus	Finley	Lamar	Rhodes
Bankhead	Flood	Landis, Chas. B.	Richardson, Ala.
Bannon	Fordney	Landis, Frederick	Rives
Barchfeld	Foster, Vt.	Law	Robertson, La.
Bede	Fowler	Le Fevre	Rucker
Beidler	Gaines, W. Va.	Legare	Russell
Bennet, N. Y.	Garber	Lever	Samuel
Bingham	Gardner, Mich.	Lewis	Schneebell
Bishop	Garrett	Lilley, Conn.	Scott
Bonyne	Gilbert, Ind.	Lindsay	Smith, Cal.
Bowie	Gilbert, Ky.	Littauer	Smith, Ky.
Bradley	Gill	Little	Smith, Md.
Brick	Gillespie	Littlefield	Smith, Wm. Alden
Brooks, Colo.	Gillett, Cal.	McCleary, Minn.	Smith, Pa.
Broussard	Glass	McCreary, Pa.	Snapp
Brundidge	Goldfogle	McDermott	Southall
Burke, Pa.	Goulden	McGavin	Sparkman
Burton, Ohio.	Granger	McKinlay, Cal.	Sperry
Calder	Greene	McKinley, Ill.	Steenerson
Calderhead	Griggs	McKinney	Stevens, Minn.
Campbell, Kans.	Hamilton	McLachlan	Sullivan, N. Y.
Campbell, Ohio	Haskins	McLain	Taylor, Ala.
Cassel	Haugen	McMorran	Thomas, Ohio
Castor	Hearst	McNary	Towne
Cockran	Henry, Tex.	Mann	Townsend
Cocks	Hepburn	Martin	Underwood
Conner	Higgins	Maynard	Van Duzer
Cousins	Hinshaw	Michalek	Van Winkle
Cromer	Hitt	Mondell	Vreeland
Crumpacker	Hogg	Mouser	Watson
Currier	Humphreys, Miss.	Needham	Weisse
Darragh	James	Olmsted	Welborn
Dawes	Johnson	Palmer	Wiley, N. J.
De Armond	Kahn	Parsons	Williams
Deemer	Keifer	Patterson, Pa.	Williamson
Dickson, Ill.	Kennedy, Ohio	Patterson, Tenn.	Woodyard
Dixon, Mont.	Kinkaid	Pearre	Zenor

So the motion to lay the bill on the table was agreed to.



The following pairs were announced:

On this vote:

Mr. CHARLES B. LANDIS with Mr. WILLIAMS.

Mr. KAHN with Mr. CONNER.

For the day:

Mr. TOWNSEND with Mr. UNDERWOOD.

Mr. PARSONS with Mr. MAYNARD.

Mr. SMITH of California with Mr. SMITH of Maryland.

Mr. OLMSTED with Mr. SMITH of Kentucky.

Mr. MANN with Mr. RAINEY.

Mr. MCKINLEY of Illinois with Mr. McLAIN.

Mr. LAW with Mr. LINDSAY.

Mr. GREENE with Mr. LEVER.

Mr. HOGG with Mr. LEWIS.

Mr. HAUGEN with Mr. LEGARE.

Mr. DUNWELL with Mr. CLAUDE KITCHIN.

Mr. DRESSER with Mr. JOHNSON.

Mr. DIXON of Montana with Mr. GRIGGS.

Mr. CRUMPACKER with Mr. GILLESPIE.

Mr. COUSINS with Mr. GLASS.

Mr. CASSEL with Mr. GILL.

Mr. CAMPBELL of Kansas with Mr. GILBERT of Kentucky.

Mr. BRICK with Mr. CANDLER.

Mr. BONYNGE with Mr. GARRETT.

Mr. BENNET of New York with Mr. FLOOD.

Mr. BEIDLER with Mr. BROUSSARD.

Mr. BANNON with Mr. BANKHEAD.

Mr. KNOFF with Mr. WEISSE.

Mr. BURTON of Ohio with Mr. SPARKMAN.

Mr. LITTAUER with Mr. TAYLOR of Alabama.

Mr. BISHOP with Mr. GOLDFOGLE.

Mr. DARRAGH with Mr. GARBER.

Mr. FASSETT with Mr. HEARST.

Mr. THOMAS of Ohio with Mr. AIKEN.

Mr. WOODYARD with Mr. McNARY.

Mr. HAMILTON with Mr. RUSSELL.

Mr. ANDRUS with Mr. BOWIE.

Mr. HITT with Mr. DE ARMOND.

Mr. JENKINS with Mr. RICHARDSON of Alabama.

Mr. MCCLEARY of Pennsylvania with Mr. COCKRAN.

Mr. MCCLEARY of Minnesota with Mr. TOWNE.

Mr. GARDNER of Michigan with Mr. HENRY of Texas.

Mr. WM. ALDEN SMITH with Mr. ROBERTSON of Louisiana.

Mr. NEEDHAM with Mr. JAMES.

Mr. PEARRE with Mr. SULLIVAN of New York.

Mr. BINGHAM with Mr. McDERMOTT.

Mr. BEDE with Mr. RUCKER.

Mr. VREELAND with Mr. RHINOCK.

Until further notice:

Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.

Mr. SCOTT with Mr. HARDWICK.

Mr. BARCHFELD with Mr. LITTLE.

Mr. WATSON with Mr. SHERLEY.

Mr. CALDER with Mr. VAN DUZER.

Mr. MCKINNEY with Mr. PUJO.

Mr. LE FEVRE with Mr. LAMAR.

Mr. DWIGHT with Mr. SOUTHWALL.

Mr. CROMER with Mr. ZENOR.

Mr. RHODES with Mr. GRANGER.

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. WANGER with Mr. ADAMSON.

Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.

Mr. BRADLEY with Mr. GOULDEN.

The result was then announced as above recorded.

#### CONSOLIDATION OF CUSTOMS DISTRICTS.

Mr. PAYNE. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7114) to provide for the consolidation and reorganization of customs collection districts.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7114.

Mr. GARDNER of Massachusetts. Mr. Speaker, I demand the regular order, and I raise the point of order that this bill is not privileged under any rule of the House. If the Chair desires to hear me upon the point of order, I am ready.

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Speaker, the rule of the House, which alone is applicable to this matter, is that which gives to the Committee on Ways and Means the right

at any time to report and call up a measure raising revenue. It has, to be sure, been held over and over again in this House that a measure affecting revenue in any way comes under the provisions of this rule, but there is only one single, solitary ruling which says that a measure which is purely administrative shall be held to be included in this rule for giving privilege to measures raising revenue. That, Mr. Speaker, is a ruling of the late Speaker Reed in the Fifty-fifth Congress, when the point of order was raised against the privilege claimed for a certain bill known as the "Texas Free Zone bill."

The point at issue which was raised at that time was that the measure was not privileged. The gentleman from Ohio [Mr. GROSVENOR] claimed that it was privileged because it would prevent smuggling, and therefore enhance the revenue. On the other side it was claimed that it would not enhance the revenue. The Speaker joined in the discussion entirely on the basis as to whether or not it would enhance the revenue, until Mr. Dingley of Maine rose in his seat and said that a similar question had been decided by Speaker Carlisle, and that the latter had held that a purely administrative customs bill must be held to be a measure for "raising revenue." Whereupon, Speaker Reed cited this decision of Speaker Carlisle and overruled the point of order, saying that it was immaterial whether or not the bill in question raised or lowered the revenue, in view of Speaker Carlisle's decision.

Now, Mr. Speaker, as a matter of fact, Speaker Carlisle never made any such decision as that cited by Mr. Dingley and followed by Speaker Reed. This will appear very clearly from a reading of the footnote in Parliamentary Decisions of the House of Representatives, paragraph No. 408.

Mr. Reed's decision was based on an erroneous statement made by Mr. Dingley on the floor of the House in discussing the point of order. Mr. Speaker Reed went on to say that Mr. Carlisle's interpretation having been given and the rules having been reenacted, the rule of the House must be held to be established. As a matter of fact, as I say, Mr. Carlisle never gave any decision. It is preposterous to say that any decision shall stand as the rule of this House for which there is just one precedent and that precedent based on an entirely incorrect presentation of the facts made by the late gentleman from Maine, Mr. Dingley.

But, Mr. Speaker, in addition to this objection, and taking it for granted that the late Speaker Reed's view is more likely to prevail with the present Speaker than my own, I invite the attention of the Speaker to the wording of this measure in line 6. He will observe that the President not only is authorized to establish convenient districts for the collection of customs, but he is also authorized to establish convenient districts for the "interests of commerce and shipping." Now, it is a well-known principle of parliamentary procedure, and has been so ruled by the present Speaker and by many others, that where a measure would otherwise be privileged under the rules of the House, if it contain within itself matter which is not privileged, the privileged character is taken away from the whole. Districts established for the "interests of commerce and shipping" have nothing whatever to do either with the raising of revenue or with the administration of our customs. A measure containing this provision can not be held to be privileged under the rule.

Mr. PAYNE. Mr. Speaker, I desire to call the attention of the Chair to the ruling of Mr. Speaker Reed cited by the gentleman:

On May 4, 1898, Mr. CHARLES H. GROSVENOR, of Ohio, called up as a privileged matter the joint resolution (H. Res. 27) to repeal the joint resolution in reference to the Free Zone on the frontier of Mexico, the subject involved being the transportation of dutiable goods and its relation to smuggling.

Mr. Samuel W. T. Lanham, of Texas, made the point of order that this was not a bill "raising revenue."

After debate, the Speaker ruled:

"The gentleman from Texas [Mr. BAILEY] has really stated the identical point involved here, and that is as to the words 'raising revenue' for the support of the Government. The gentleman admits that if the bill were a bill affecting the raising of revenues he would regard the question of order as decided."

"The Chair thinks that the interpretation always given with reference to the pending point is such as to make it quite the equivalent of a bill 'affecting revenues,' as suggested by the gentleman from Texas, and that the mere language used of 'raising revenue,' instead of 'affecting revenue,' can have no material application to the question of order."

Not only in the opinion cited by the gentleman from Maine [Mr. Dingley], where Mr. Carlisle agreed that an administration bill was privileged in the same sense as the bill now presented, but in almost every other instance every tariff bill which has been considered by the House has contained, necessarily, some administration measures, pure and simple, which the bill would not have been entitled to carry unless in order and privileged under the rule, inasmuch as any unprivileged feature would necessarily take away from the bill the effect of such privileged matter as it might carry; and the Chair thinks that it has been the universal construction that all measures affecting the revenue or the methods of collection of revenue are understood to affect the raising of revenue. While it is true that any Speaker, when this question is raised, might construe the rules very strictly, nevertheless after they have been reenacted they are understood to be reenacted as carrying with

them the construction placed upon the rules, just as the reenactment of a statute after a decision of the court is understood to be reenacted with the approval of that provision.

"So it seems to the Chair that, this being a measure relating to the revenues and the collection of the revenues, and without determining whether it increases or decreases the revenue, it is a matter that comes strictly within the rules and can be considered under the rules."

"The Chair therefore overrules the question of order raised by the gentleman from Texas."

It would seem, Mr. Speaker, that this covers the point in this case. It allows the President to establish convenient districts, and the amendment, "to discontinue or consolidate ports and supports therein for the collections of revenue from customs, and for the interests of commerce and shipping, and for these purposes may subdivide any State or Territory within or appurtenant to the United States," etc. Of course, the establishment of ports has a most intimate connection with the collection of the revenue, it has the most intimate connection with the question of smuggling, as was decided in the Free Zone case, whether it be to prevent smuggling or whether it may simply facilitate smuggling, it still relates to the revenue. It would seem that this bill is in order, and not only in order, but in accordance with the established precedent of the House. We have here dozens of bills almost every Congress establishing a port or a support here and there, or allowing the privilege of immediate transportation in bond.

All those bills came in as privileged matters and have been so treated in the House since I have been a Member of it.

The SPEAKER. The Chair will be glad to have the attention of the gentleman from New York. In lines 5 and 6 are the words "and for the interests of commerce and shipping." Now, the gentleman from Massachusetts makes the point that those words do not cover the subject that is privileged and being incorporated in the bill would destroy the privileged character of the bill.

Mr. PAYNE. Those words are only incidental to the other, incidental to the collection of revenue. It is part of the administrative act; it is only incidental to it, and the whole language relates to the establishment of ports for the collection of customs.

Mr. GARDNER of New Jersey. Mr. Speaker, I would like to call the attention of the Chair and the gentleman from New York to the fact that after those words which he speaks of as incidental the bill reads, "and for these purposes," and thereafter treats the purposes as plural.

Mr. GARDNER of Massachusetts. Mr. Speaker, I think that the gentleman from New York is mistaken in supposing that those words, "for the interests of commerce and shipping," have anything to do with the collection of revenue. Obviously they refer to the facilities afforded at our custom-houses for the issue of registry to vessels, for the enrollment of vessels, and for the issue of licenses to fishing smacks. Various other functions entirely unconnected with the collection of revenue fall to the lot of collectors of customs. If the Chair is desirous of further instruction on such part of my point of order as related to the mistaken assertion of Speaker Carlisle's ruling—

The SPEAKER. The Chair does not desire to hear the gentleman upon that point.

Mr. TAWNEY. Mr. Speaker, it seems to me there is much force in what the gentleman from New York says in regard to the language which it is claimed destroys the privileged character of this bill. The privileged matter in the bill is that relating to the collection of customs. That is the primary purpose of this bill. It is for the purpose of enabling the President of the United States to reorganize and consolidate customs-collection districts for the collection of customs revenue. Now, in connection with these districts and with the duties of the officers who are charged with the responsibility of collecting revenues, they issue clearances to vessels and perform other duties relating to shipping and commerce. In the latter respect their duties relate only to shipping and commerce, but the primary purpose is the collection of revenue, and if the non-privileged matter connected with the privileged matter is merely incidental to the primary object it does not destroy the privilege. To have that effect it must necessarily be dependent upon and form a part of that which is privileged. You can take this away entirely and yet there remains the primary object unaffected by the incidental matter which is contained in the bill or the matters that are incident to the collection of revenue. I think, inasmuch as it is a mere incident in connection with these customs districts and the duties of these customs officers to issue manifests or clearance of vessels, that you could eliminate that entirely and it would not affect or destroy the primary purpose of the bill, namely, the reorganization of customs districts, which certainly does relate to revenue and, under the decision cited by the gentleman from New York, is in order.

Mr. GROSVENOR. Mr. Speaker, I would like to present a

certain point of view to the Chair before he makes his ruling. I do not believe that a fair construction of this language will even bear the construction that the gentleman from Minnesota has suggested. My understanding of this language is that it is a description of the district and subdistrict now existing and which is to exist that may be affected by the action of the Secretary of the Treasury or President for the purpose of rearranging the collection districts, and I read the language in this way:

That the President is hereby authorized to establish convenient districts and to discontinue and consolidate ports and supports therein for the collection of revenue of customs and for the interests of commerce and shipping.

That is a description of the district itself and in nowise describes that which is to be done by the action of the President or that which is to be done by the operation of this bill. It is a mere description of the district; so that it ought to read and, in fact, ought to be construed in this way: The President is authorized, in the interest of the collection of revenue, to change the districts, ports, and supports now existing for the collection of the revenue and in the interest of commerce and shipping.

Those that are in existence for that purpose may be changed in the interest of the subject of collections.

The SPEAKER. Will the gentleman from New York [Mr. PAYNE] please give his attention, take the bill in his hand, and strike out, in line 5, the words "for the collection of revenue from customs?" Then the bill will read as follows:

That the President is hereby authorized to establish convenient districts and to discontinue or consolidate ports and supports therein for the interests—

Striking out "and"—  
of commerce and shipping.

In the opinion of the gentleman from New York, would that be privileged?

Mr. PAYNE. I do not think it would, because part of the sentence is emasculated, which refers the whole subject-matter to the collection of the revenue.

The SPEAKER. Precisely; but the Chair will suggest to the gentleman that if the words indicated were stricken out and the law was enacted, it would be operative. It would clothe the President with the power, would it not?

Mr. PAYNE. It would clothe the President with the power to establish districts to regulate commerce and shipping. If the Chair had left in "establish convenient districts and to discontinue or consolidate ports and supports therein," it would have been all right, but I think by striking out those words it would refer wholly to commerce and shipping. But those words are in the bill. They give character to it. It refers the whole subject-matter to the important part, namely, the collection of the revenue, and the commerce and shipping to be regulated are incidental to it.

Mr. TAWNEY. If the gentleman from New York [Mr. PAYNE] will permit me, I would suggest to the Chair if the words relating to commerce and shipping are eliminated, it certainly then would be clearly in order.

The SPEAKER. The Chair agrees with the gentleman.

Mr. TAWNEY. Now, if the Chair agrees, then, with that proposition, if without these words we clothe the President with the power to reorganize and consolidate those districts, when the districts are consolidated and the officers are appointed to discharge the duties connected with the collection of the revenue, all of the duties which are now imposed by law upon those officers would be performed independently of whether this refers to shipping and commerce or not. You could eliminate this language entirely, and when the districts are reorganized and the custom officers are appointed they would discharge identically the same duties they are discharging to-day, for they are discharging those duties under express authority of the statute. It is not proposed to change the duties of the officers in the least. My contention is that you can strike out of the bill entirely all reference to shipping and commerce and go on with the consolidation of these districts, appoint the officers to collect the revenue, and when that is done, if there are any duties that those officers have to perform to-day under the law in respect to commerce and shipping, they would have to discharge those same duties after the consolidation as they are doing now. So that it is not even an integral part of the bill. It is not an important or essential feature. And in cases where the privileged matter is not dependent at all upon the nonprivileged matter the nonprivileged matter does not destroy the privileged. I think that is the uniform ruling of the Speaker.

The SPEAKER. The Chair is ready to rule, unless the gentleman desires to address the Chair further. The Chair would be ready to follow, touching the first point of order made by the



gentleman from Massachusetts [Mr. GARDNER], the ruling by Mr. Speaker Reed, in which ruling the Chair concurs. Even without that ruling, the Chair would be inclined to hold that this bill under the rule was privileged. But the bill does more than that, as it seems to the Chair. It says that—

The President is hereby authorized to establish convenient districts and to discontinue or consolidate ports and subports therein for the collection of revenue from customs and for the interest of commerce and shipping.

There are two objects to be accomplished by this bill if enacted into legislation.

One, collection of revenue; the other in the interest of commerce and shipping. The first is privileged under the rule. The second, as it seems to the Chair, is not privileged. Uniform rulings, so far as the Chair knows or has been informed, seem to be, without exception, that a nonprivileged proposition coupled with the privileged, even if slight and incidental, destroys the privilege. That is quite familiar to gentlemen on resolutions making inquiry from the heads of the Departments. When they go beyond the question of inquiry as to a matter of fact, it destroys the privilege. The Chair does not think it necessary to amplify. It seems to the Chair quite plain that this nonprivileged matter destroys the privilege; and therefore the Chair sustains the point of order.

The gentleman from Massachusetts demands the regular order, which is the call of committees. That rests with the Committee on the Judiciary, and there comes over an unfinished bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 11784) to authorize the recovery of the value of unlawful rebates and discriminations and penalty therefor, and for other purposes.

#### RECOVERY OF VALUE OF UNLAWFUL REBATES.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill H. R. 11784.

The SPEAKER. The bill has been reported to the House.

Mr. JENKINS. I yield to the gentleman from New Jersey [Mr. PARKER].

The SPEAKER. The gentleman from New Jersey [Mr. PARKER] has twenty-three minutes remaining.

Mr. PARKER. Mr. Speaker, other members of the committee will speak upon this bill, and as I have given it very full discussion in the House on the 29th of January I shall try to be brief.

Mr. Speaker, those who were not here then will want to know the purpose of the bill. We all feel that the chief cause of the growth of monopolies is that they obtain unlawful rebates and that there has been no way thus far by which this evil could be corrected. If a great monopoly gets rebates worth a million dollars—as it is reported some of them have—a fine of ten thousand or twenty thousand dollars is nothing. This bill provides that if in future there be such unlawful rebates, whether they are such by the common law or by the interstate-commerce act, the United States may bring an action against the person who shall receive them to recover back their value, suing on the civil side of any court of competent jurisdiction. It provides, secondly, that if those rebates be received knowingly—that is, willfully, double the value may be recovered. This double recovery will be chiefly in the case of secret rebates. There may be inequalities and unlawful discriminations made by open and public tariffs which are claimed to be lawful. The Government or the persons interested may then determine whether they be unlawful or not by a suit in court. But when that question has been adjudged, if the shipper knowingly and willfully persists in taking these rebates, then double the value can be recovered.

Again, there are cases where the evidence is hard to obtain, and the third section provides that this action by leave of the court may be brought under control of the court by an informant, who shall receive half of the recovery, but shall not discontinue the action until after notice to the Attorney-General and by leave of the court first obtained. One can hardly imagine the power that this provision will give against some great trust, if any one of its clerks, cognizant of a secret rebate, say some bookkeeper, can be induced thereby to bring the facts to knowledge of the public and see that recovery is had.

In the fourth section, Mr. Speaker, this remedy is declared to be in addition to other remedies. This bill does not propose to punish anyone criminally. It is a remedy which simply enforces the principle that all are equal before the law, and that if any person or corporation receive such favor as gives an advantage over others in dealing with common carriers, that person or corporation must yield up the value of that special favor, so that equality shall be again established.

Mr. Speaker, I doubt whether I have explained this as well as I did before. I do not desire to take so much of the time of

this House as I did before; but the committee believes—for this matter has been under consideration in committee for six years—that this is the only real remedy for unlawful rebates which will make all the people of this land equal in their dealings with common carriers.

I yield the remainder of my time to the chairman of the committee [Mr. JENKINS].

Mr. JENKINS. I yield ten minutes to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I desire to invite the attention of the Members of the House to two points in this bill, which has been before the Judiciary Committee for the last three years. It has had very careful consideration, and, I believe, comes to the House with a unanimous report.

In the first place, it interferes with no law upon the statute book. It is simply cumulative of whatever may have been passed upon this subject. Other laws may parallel it, but it interferes with and impinges upon none of them. As stated in the last section of the bill, it is simply cumulative of other acts.

The second point is that it allows the informant one-half of the amount that shall be recovered, and this, it seems to me, is the chief merit of the bill. A clerk, if you please, who is in the employ of some great trust or corporation, and who has access to its books, knows if it has been illegally receiving rebates. He knows from whence it comes and how to prove it. It is before him on the books, which he can produce at any time. It is easy for such a witness to have suit brought and to furnish evidence. One-half of the amount recovered easily stimulates his desire to disclose dishonest methods.

Every Member in this House knows that the fear of the informer is the great power that enforces the collection of excise taxes. Men who deal in liquor hang up in their places of business the license of the Government, not so much because the United States have officials going about the country as because of the knowledge that every man who buys liquor may become a spy, a detective, whose reports are certain to lead to prosecutions.

It is rare that one can visit a place where liquor is sold and not find Uncle Sam's license plainly exhibited, not because keepers are afraid of the United States marshal and his deputies, but because they fear their own customers, who may at any time turn informers and bring trouble and embarrassment.

Now, this bill gives clerks in the employ of corporations that are getting rebates illegally an incentive to inform the Attorney-General or district attorney of wrong practices and of becoming witnesses to prove them. This feature of the bill has commended itself to some of the gentlemen on the Judiciary Committee, and I feel confident that, as a business proposition, it will commend itself to the gentlemen of this House, for the fear of the saloon keeper who is selling without a license will enter the countinghouse of every corporation which is doing business illegally. It places them in the embarrassing position of knowing that their clerks, who, under this law, can receive a generous portion of the recovery, may reveal their dishonest methods at any moment.

These two points, therefore, that this bill is simply cumulative of other statutes, and that it opens a way for the Government to learn of dishonest practices, are, in my opinion, excellent reasons for passing this measure. [Applause.]

Mr. JENKINS. Mr. Speaker, I now yield to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this bill is in furtherance of what seems to be a desire on the part of this House to make more effective the laws now existing for the prevention of rebates and preferences. The Elkins law—the act of 1903—does not have in it a provision to recover of the beneficiary of the secret preference or rebate for such preference or rebate. There is, under existing law, only a doubtful way to get at the man who receives the secret preference or rebate. The bill that we passed here the other day was, in one of its provisions—section 20—an improvement on the Elkins law, in that it furnished other means for ascertaining the giving of a secret preference and rebate by reason of the fact that it prescribed certain bookkeeping and certain publicity that gave necessary information of the violation of the law.

Under existing law the company that gives the secret preference—the rebate—is punished. Now, the object of this bill is to reach in another way the man who receives a secret preference or rebate. When you reach both parties to this conspiracy, when you reach both parties to this violation of the law—the company or corporation that gives the rebate and the company or corporation or person that receives it—then you will go much farther toward preventing the giving of these rebates and preferences, and that is the object of this bill.

The first section of it has been criticised by some for the

reason that it does not require the person who receives the rebate to be guilty of offending against the provision to have knowledge of that preference or that rebate. The answer to that criticism is this: That it is often a difficult matter to prove, I believe, what the law books call the "scienter," or guilty knowledge. And we may say further that doubtless it will never occur in the history of the administration of this act, should it become a law, in any case where any person or company receiving any rebate that he or it did not know of the rebate or preference. This feature of the bill is in the nature of prescribing the rule of evidence to govern the case.

Now, under the second section of the bill the knowledge must be shown affirmatively. The person who receives the rebate or preference must be shown by positive evidence that he knowingly received it, knowing that it was a rebate or preference not given to others.

**THE SPEAKER.** The time of the gentleman has expired.

**MR. JENKINS.** Mr. Speaker, I yield the gentleman two minutes more.

**MR. CLAYTON.** Mr. Speaker, in case the action is instituted and judgment had under the second section of the act, the penalty is in double the amount of the secret preference or rebate. Now, as I said in the beginning, if we want to make effective the provisions of law against rebates and preferences, let us punish, in the manner proposed in this bill, those who receive these preferences. There will be fewer persons to ask them and fewer persons to grant them if this be done. The machinery provided here is common to the law. It will enable, through the medium of giving the informant half the recovery, the officers of the law to get proof in cases where now they are unable to get that proof; so I think, as I said before, that the bill is in consonance with and in furtherance of the legislation that is existing and that which we proposed to enact by the passage of the railroad-regulating bill the other day. It is in furtherance of existing law and will do a great deal toward stopping the accepting of secret preferences and rebates. In my judgment the bill ought to pass. [Applause.]

**MR. JENKINS.** Mr. Speaker, I yield ten minutes to the gentleman from Georgia [Mr. BRANTLEY].

**MR. BRANTLEY.** Mr. Speaker, in so far as the purpose of this bill may be to prevent and to punish rebates it has my full and entire sympathy. I am of the opinion, however, that the bill is subject to some criticism, and it is to make that criticism that I take the floor. Rebates ought to be prohibited and ought to be punished. Not only should the giver of the rebates be punished, but the receiver as well, and such is the law now. The law could not be more emphatic or positive against the man who receives a rebate than it is now, and the fear and apprehension that I have concerning this bill is that, in the first place, it may prove ineffective and abortive, and in the second place, serve to confuse and complicate the existing situation. I have no special objection to the passage of the bill if it is the will of the House to pass it, but I desire to say that in my judgment what this bill seeks to do could be done far more effectively in another way, and I took the liberty of suggesting that way to the honorable gentleman who introduced it. The present law, known as the "Elkins law," provides in express terms, after defining a rebate as any device whatever by which property is transported at less than the published tariff rates, that—

Every person or corporation who shall offer, grant, or give or solicit, accept, or receive any such rebates, concessions, or discriminations shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$20,000.

We therefore have upon the statute books to-day a penal law against a man who receives a rebate. What does this bill propose to do? It is claimed to be an authorization for a civil suit against a man who receives a rebate, but I have not been able to make up my mind clearly that such a suit would be simply a civil suit. Certainly the receiver of the rebate does not owe the value of that rebate to the United States Government. He might possibly owe it to the railroad that unlawfully gave it to him. He might possibly owe it to some competitor who had been wronged, but he does not owe it to the United States Government, and therefore I conclude that when the Government undertakes to assume to recover in a suit the value of such rebate the suit of the Government is a penal suit and the amount of the recovery is a punishment. The punishment imposed in the first section of this bill is the amount or value of the rebate or concession that is received. The second section of the bill provides that if it be shown that the rebate was knowingly and willfully received the Government may recover twice the value of such rebate or concession, and thus the punishment here is twice that imposed by the first section. To my mind there is no distinction between the first section and the second section so far as concerns each of them being in its nature penal. It is a punishment for the Government to collect by forfeiture the

value of the rebate and it is likewise a punishment for the Government to collect by forfeiture twice the value of the rebate.

**MR. CLAYTON.** Mr. Speaker, I would ask the gentleman a question right there. Is it not entirely competent for Congress to prescribe the rule of evidence or the amount of evidence necessary, taking the view that it is a criminal case or a civil case, to authorize a judgment or a conviction in any case?

**MR. BRANTLEY.** I do not understand that this bill undertakes to prescribe any rule of evidence of any sort or character, but when it provides that the Government can only collect the value of a rebate when it is shown to be an unlawful rebate, the conclusion is irresistible that before the Government can maintain a suit at all it must show that the party being sued has committed the crime of receiving an unlawful rebate. Now, the law presumes every man innocent until he has been convicted. Are we proposing to exact a forfeiture from a man as a punishment for a crime before we have convicted him by proper proof under rules of evidence, whatever they may be, that he has committed the crime? I am inclined to doubt whether the suit authorized by the bill could be maintained at all until there has been a prosecution and a conviction under what is known as the Elkins law.

**MR. RANDELL of Texas.** Mr. Speaker, in the case of swindling, does the gentleman mean to say that a man ought not to sue and get his property back if he has been swindled out of it unless the evidence is so strong that you can convict the man of the crime of swindling beyond a reasonable doubt?

**MR. BRANTLEY.** Not at all, but that proposition is entirely foreign to this.

**MR. RANDELL of Texas.** What is the difference in the application of that to the rule of evidence?

**MR. BRANTLEY.** This is the difference. If the Government undertook to collect the value of property another had been swindled out of, it would be the Government imposing a penalty for the swindling. The case the gentleman cites is a case between two individuals. It is a suit for money had and received. The suit authorized here is a suit by the United States Government against a man that the Government says has committed a crime, and to exact a forfeiture from him by reason of that crime.

I am very much inclined to the view that before the Government can collect the forfeiture out of him the Government must convict him of having committed the crime. Now, Mr. Speaker, this bill if enacted into law and the same is sustained as a valid law, will change the present law, for it provides, in connection with the Elkins law, for two punishments against a man who receives a rebate and still leaves the railroad, the party who gives the rebate, to suffer but one punishment. The present law provides the same punishment for the giver as for the receiver. Here is a bill that by its own terms is claimed to be merely cumulative of the old law, providing an additional punishment upon the receiver of the rebate. Now, another apprehension I have about this bill is that I do not see very well how the Government can punish a man twice for the same act, and what I am afraid of is that the effect of this bill may be to repeal the Elkins law, a wise and proper penal law upon the same subject, at least so far as the receiver of the rebate is concerned. If it does not serve to repeal it I am afraid it will serve to confuse the present situation by producing complicated and protracted litigation, pending which the enforcement of punishment against anybody will be delayed. Mr. Speaker, the suggestion of the honorable gentleman who offers this bill that any different rule of law will apply in the taking of evidence under it from the rule that prevails in taking evidence under the Elkins law, I do not think well founded. In other words, under this bill before the Government can recover from the receiver of the rebate it must show an unlawful act. The bill so provides.

Can not a man claim the shield of protection against testifying to that which would incriminate him in a suit under this bill the same as he could under the Elkins law or any other criminal law? Now, as I said a while ago, if the House wants to pass this bill I have no objection to its being passed. My own judgment, however, is that if we want to make the present law more effective—and I would like to see it more effective, and if I had my way about it and could have controlled the Judiciary Committee I would have taken this bill and grafted it upon the Elkins law and would have provided that when a man is convicted of the offense of receiving a rebate he should pay not only the fine mentioned in the Elkins law, but in addition should pay the amount of the value of the rebate that he received. I would also provide that an informer instigating and bringing on a prosecution should receive not only half of the recovery, but half of the fine also. My judgment is, if we would continue to let rebates be a crime and continue to enforce the law against them as crimes, and increase the punishment



and the incentive to prosecute, in this way we would have much better results than can possibly be had by providing for two different punishments, calling one civil and another criminal, for the same identical act. I yield back the balance of my time.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS.]

Mr. WILLIAMS. Mr. Speaker, it strikes me that this is a very good bill for the purposes for which it was framed. Its main purpose is to deprive men of a motive to hold up the railroads and force them to give rebates. The first section of the bill subjects the man who has received an unlawful rebate to suit, and provides that he shall pay back the amount of the rebate or discrimination which he has received, regardless of the question as to whether he received the rebate "knowingly" or not. The next section provides that when he shall "knowingly" receive a rebate or discrimination he shall pay double. The beginning of section 3 gives a motive of suit to enforce the bill. "What is everybody's business is nobody's business," as a rule, and unless "everybody" has something to make by attending to the business. The first part of this section 3 therefore makes the informant receive half of the amount to be recovered and empowers him to sue. Then there is a practical danger that people of bad character, acting as informants, might sue railroads for the purpose of "holding them up;" that is, for the purpose of receiving from the roads a settlement in money to dismiss the case. The next part of this section undertakes to prevent that by saying that after a suit has been once begun by an informant it shall not be dismissed by him except after notice to the Attorney-General and with the leave of the court, and that in case there is undue delay upon the part of the informant in carrying on the suit it shall be the duty of the Attorney-General to proceed with the suit. Section 4 merely provides that this measure shall be cumulative and shall not repeal any other remedy which the people have by suit in law or in equity or by prosecution under the laws already in existence.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

Mr. WILLIAMS. Certainly.

Mr. CLAYTON. To the gentleman, who has had large legislative experience and is familiar with the legislative history of the country, this manner of proceeding here in this case, of providing a civil remedy for damages for the violation of a law where there is a penalty provided in another law, is not new or novel in legislation. Doubtless the gentleman can recall a number of instances where just such—if I may so term it—"ancillary legislation" as this has been had.

Mr. WILLIAMS. Auxiliary legislation?

Mr. CLAYTON. Auxiliary legislation. That is perhaps a better expression.

Mr. WILLIAMS. Damage of wife or children for murder of husband or father, for example. Now, Mr. Speaker, the point is made that this goes to somebody to whom it is not due, to wit, the United States Government; that the Government of the United States has not lost anything, and therefore the Government of the United States ought not to be repaid.

Mr. BRANTLEY. Mr. Speaker, will the gentleman allow me to interrupt him?

Mr. WILLIAMS. Yes.

Mr. BRANTLEY. The gentleman, if he is referring to my position, misunderstood me entirely. My proposition was that the party not owing this to the Government, for the Government to collect it would be the imposition of a penalty; would make it penal.

Mr. WILLIAMS. I understood that, and I was trying to state it that way, that the Government could not sue in a civil action, or ought not to recover, because it had lost nothing.

Now, Mr. Speaker, there is a high sense in which the Government has lost money. These rebates and discriminations go on in violation of law and at the expense of the public business—the commerce of the United States—attacking its integrity, equality, and distribution. Of course in no strictly legal sense is the Government of the United States a "legal representative" of the people of the United States; but this money is due to the people of the United States who have been discommoded, who have been defrauded, who have lost money, whose affairs have been dislocated, who have suffered absolute and actual loss by the existence of just this sort of practice. In a political sense, the Government of the United States is by far the fairest and fittest party to receive the money unless you ascertain—which you can not with precision do—just what particular competitive shippers have suffered by loss of business which has gone to these people who have received rebates. In a high public sense, then, the Government of the United States is "the legal representative" of the people of

the United States, and it is very fitting and proper that in that way the money should be paid back to them. Now, I do not think there is much in the point that a prior prosecution would be necessary in order to show that the man had violated the law—in other words, that the rebate was "unlawful." Of course it is stated here that there must be "an unlawful rebate," but that is merely a fact to be established in the civil suit as a predicate for recovery, and a fact to be established not by the rules of criminal evidence, but by the rules of civil evidence. So that I do not think there is much in that. I do not think it can repeal any part of the existing law. I do not think gentlemen will think so if they read section 4 fully and carefully. Now, then, this objection is made—that a man might be "convicted" upon his own testimony. In the first place, this is not a conviction. It is a suit to recover for the common treasury damages done to the people, damages done to their commerce and to industry. But in the next place, Mr. Speaker—

The SPEAKER. The time of the gentleman has expired.

Mr. JENKINS. Mr. Speaker, I ask for two minutes more for the gentleman from Mississippi.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAMS. In the next place, Mr. Speaker, if the parties were subsequently prosecuted no lawyer would contend that the evidence taken in the civil case could be used against them, even though they, as witnesses, had incriminated themselves. They could keep off the stand in a criminal case, and this evidence could not be used against them in any manner whatsoever. Moreover, even in a civil suit no man can be made to answer a question which might lay him liable to subsequent prosecution.

Mr. CLAYTON. And the judgment in this case could not be pleaded in bar of a prosecution.

Mr. WILLIAMS. And could not be pleaded in bar of a prosecution. And then practically, Mr. Speaker—because I like things to be looked at from a practical standpoint wherever possible—practically the fine will seldom, if ever, be recovered on the man's own testimony. It will be recovered as the result of somebody's else testimony, and the relator—the informant—and the Government alike will find that they will have to depend upon the testimony of somebody besides the man sued in order to recover the penalty.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SMITH].

Mr. SMITH of Kentucky. Mr. Speaker, I do not think it is necessary for me to add much to what has been said in favor of this bill. I believe that it is a wise measure and ought to be supported by every man in this body. Congress has been at work a good many years in its efforts to break up the systems of rebates that have prevailed in this country; and I believe that this measure will go as far to achieve that end as any measure that has ever been passed by Congress.

In the first place, the proceeding provided for in this bill is in the nature of a civil proceeding. It will not require proof beyond a reasonable doubt that the rebate has been received, but simply a preponderance of testimony will enable the United States Government to recover in an action brought under this bill if it should be enacted into law.

Now, the first section of the bill provides that the Government may institute an action against anyone who receives any unlawful rebate. It sometimes happens in the course of dealing with railroads and other carriers that men receive rebates without actual knowledge of the fact. The railroad is not entitled to recover the amount of the rebate, because it has voluntarily surrendered all claim to the amount given when it made the concession; the party to whom it is given is not entitled to it, because the laws of the land have forbidden him to receive rebates, and I know of no person or any other organization more entitled to take the sum that has been given in the form of rebates than the United States Government.

It is very similar, Mr. Speaker, to the cases of illicit distilling, where the Government detectives go along and discover a man running a still. The Government takes his still and destroys it. It does not keep it, it is true; but the Government takes charge of it, takes the ownership of it, and destroys it; and yet that does not relieve the man who has been operating the illicit distillery from punishment for operating it. So in this case, Mr. Speaker, instead of its being in the nature of punishment, it is simply taking from the wrongdoer the ill-gotten gain. It can not be punishment to take from a man that which he has unlawfully gotten. The way to punish a man is to take from him something that belongs to him and not something that does not belong to him, the fundamental idea being to withdraw some right from the violator of the laws;

and in taking these sums, received in the form of a rebate, the Government of the United States, instead of depriving him of some right, takes from the men who receive them that which never did belong to them.

Mr. SULLIVAN of Massachusetts. Will the gentleman yield to a question?

Mr. SMITH of Kentucky. Certainly.

Mr. SULLIVAN of Massachusetts. I would like to ask the gentleman why, upon his theory, the United States Government might not change its entire penal system, and, by adopting the form of bringing damage suits against those who break its laws, recover as penalties the amount of illegal profits gained by breaking the laws, and by such process deprive the person against whom the action is brought of his constitutional rights upon a criminal proceeding to refuse to be a witness against himself?

Mr. SMITH of Kentucky. The gentleman evidently did not understand the statement I have just made. I said that it was not a punishment of the man who has unlawfully received the money to take that money from him by the Government. That is no punishment at all. It is something like taking from a thief the stolen goods he has possessed himself of in violation of law.

Mr. SULLIVAN of Massachusetts. Will the gentleman allow me to ask him this question?

Mr. GILBERT of Kentucky. Will my colleague permit me to make one suggestion?

Mr. SMITH of Kentucky. I yield first to my colleague from Kentucky.

Mr. GILBERT of Kentucky. I want to make this suggestion: That every State in the Union where a person is killed by careless or negligent use of firearms, for example, the man is often indicted, tried, and acquitted of the manslaughter, and still the widow or children may institute a suit for damages, and recover damages. Such laws are in force, I think, in every State in the Union.

Mr. SMITH of Kentucky. I do not think there is any State that has not such a law as has been referred to by my colleague. Now I will respond to a further question from the gentleman from Massachusetts.

Mr. SULLIVAN of Massachusetts. Suppose a clerk in the post-office has stolen Government funds and instead of proceeding against him criminally the Government should sue him for damages, and in that damage suit the court will hold that he take the witness stand and testify. In that situation you would not have had a trial under the criminal law, and if he should lose in this damage suit then you would have the effect of convicting the man of a crime and yet have deprived him of his right to refuse to testify against himself.

Mr. SMITH of Kentucky. The gentleman is unfortunate in the case that he cites, because in a case where the Government employee under bond has embezzled any property of the Government it can sue him upon his bond and recover the full amount, and, so far as that is concerned, in case he is not under bond it can institute suit and it may recover judgment and enforce collection thereof if property can be found, and still prosecute him criminally for the embezzlement or other crime that he has committed.

Mr. CLAYTON. And the judgment in the civil action would not be a bar to the criminal prosecution.

Mr. SMITH of Kentucky. And that would not be a bar to the criminal prosecution. That is on all fours with this case, and I think the bill ought to become a law.

Mr. JENKINS. Mr. Speaker, I ask for a vote on the bill and amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, the motion to reconsider the vote by which the bill was passed was laid on the table.

#### AMENDMENTS IN JUDICIAL PROCEEDINGS.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 12709) to allow and regulate amendments in judicial proceedings in the courts of the United States.

The bill was read, as follows:

*Be it enacted, etc.,* That in any suit in equity instituted in the courts of the United States wherein it shall be decided prior to final decree that the complainant has a complete and adequate remedy at law the complainant may, at his election, upon such terms as the court may impose, cause the same to be transferred to the law docket of the court, there to be proceeded with as if originally instituted as a suit at law.

SEC. 2. That where in any suit brought in or removed from any State court to any circuit court of the United States the jurisdiction of the circuit court is based upon the diverse citizenship of the parties, and such diverse citizenship in fact existed at the time the suit was

brought or removed, though defectively alleged, either party may amend at any stage of the proceedings and in the appellate court upon such terms as the court may impose, so as to show on the record such diverse citizenship and jurisdiction, and thereupon such suit shall be proceeded with the same as though the diverse citizenship had been fully and correctly pleaded at the inception of the suit, or, if it is a removed case, in the petition for removal.

Mr. CLAYTON. Mr. Speaker, I desire to make a brief explanation of the provisions of this bill. It has a twofold object. The first section of the bill provides for an amendment in the case where a suit has been brought in equity and the remedy is found to be not in equity, but at law.

Every lawyer knows that the complainant in a case in equity must decide at his own peril, at the beginning of his suit, whether he has a complete and adequate remedy at law or whether his remedy is in equity. Having decided that at the beginning, the litigation may drag along for months and perhaps for years, and finally the court may determine that the complainant had a complete and adequate remedy at law, and therefore his bill in equity must be dismissed. He has incurred a great expense, and perhaps the statute of limitations has run against his action at law. His suit is dismissed, and he is left without remedy, and justice is defeated.

This bill is in the line of all modern legislation. When the court decides that the remedy is on the law side or on the equity side, as the case may be, the court shall then and there have the power, and it shall be its duty, to transfer the case to that docket where the correct remedy can be applied. That is the purpose of this bill, that where the remedy is decided to be at law and not at equity, to allow the court, when it reaches that decision, to transfer the case from the equity side of the docket to the law side, and proceed with the trial of the case and the administration of justice. Now, that is the first provision of the bill.

Mr. LACEY. Mr. Speaker, I should like to ask the gentleman a question.

Mr. CLAYTON. Certainly.

Mr. LACEY. Where the case is transferred from one calendar to the other, does the bill provide for the remodeling of the pleadings?

Mr. CLAYTON. That is left to the rule of practice in the courts. Nothing is said in the bill about that, except that the transfer shall be made upon such terms as the court may impose. I may say for the benefit of the gentleman from Iowa that this particular wording of this bill has the approval of two circuit judges of one of the circuit courts of appeal.

Mr. GILBERT of Kentucky. Mr. Speaker, may I make a suggestion?

Mr. CLAYTON. You may.

Mr. GILBERT of Kentucky. In line 6, of section 1, it provides that where the complainant has a complete and adequate remedy at law—

The complainant may at his election \* \* \* cause the same to be transferred to the law docket of the court.

Now, suppose in the progress of the litigation it turns out that the complainant does not wish to avail himself of that remedy, but that perhaps a counter claim or a set-off is made, and the defendant has a good defense upon the law side, of which he can not avail himself upon the equity side, or has a good defense upon the equity side which he can not properly present on the law side. In other words, he is on the wrong side of the docket. Now, why should not that remedy be given to the defendant as well as to the complainant?

Mr. CLAYTON. Perhaps that is so, but the gentleman is presenting an imaginary case. Perhaps that sort of a case has occurred, or perhaps it may occur; but perhaps it has not occurred, and perhaps it may not occur. We are not playing the game of "perhaps" here now, but we are following the well-pointed-out defects in the law and seeking a remedy not for what perhaps has occurred nor perhaps may occur, but what undoubtedly has occurred in cases where justice was defeated. We are legislating to remedy judicially ascertained defects in the law. I will refer the gentleman to the case of *Busard v. Houston*, 119 United States, page 347, where this exact defect in the law was pointed out which this first provision of the bill seeks to remedy. Now, with all due deference to the gentleman, it may be well for him to prepare a bill on the line he has suggested, or to prepare an amendment. We are attempting to legislate for ascertained, existing evils.

Mr. GILBERT of Kentucky. I do not mean to be hypercritical, and I merely wish to suggest that it constantly occurs in litigations in the courts that the defendant litigant wants to avail himself of the same remedy. It is not a question of "perhaps" at all, and I want to know why the remedy you propose to grant here for the complainant should not be extended to the defendant also? The gentleman from Alabama knows, in his long and successful law practice, that the suggestion I make is



not a hypothetical one, is not a perhaps, but a thing that has constantly occurred in the courts.

Mr. ROBINSON of Arkansas. I will ask the gentleman from Alabama if he does not think the objection would be met by an amendment allowing the defendant to transfer as well as the complainant?

Mr. CLAYTON. Perhaps so. I can not recollect of any case in the Federal courts where justice has been defeated in such a case as the gentleman from Kentucky suggests, and in my correspondence with the judges in reference to this bill, and in talking with the lawyers on the Judiciary Committee and the lawyers who practice in the Federal courts, none of them have ever suggested the proposition now urged by the gentleman from Kentucky.

Mr. GILBERT of Kentucky. I beg the gentleman's pardon, but I am not urging any alteration in this bill at all. I merely made what I thought was an amicable suggestion in the way of assistance.

Mr. CLAYTON. Certainly. The gentleman knows that the hour for adjournment has about come, and he knows that all the defects in the existing law can not be remedied in one bill. The Judiciary Committee of this House submits to this House that it has done its best to remedy an existing defect in the law, which has been ascertained and pointed out by the judiciary of the country; and if the gentleman from Kentucky, in his large experience, will introduce a bill with various provisions seeking to cure other defects of the law, and bring it in here and support it with his great ability, I have no doubt that I will not be hypercritical, but will back him up and endeavor to pass it.

Now, as to the second provision. On account of the loose language employed in the act of 1887, amended in 1888, providing for the removal of cases on the ground of diverse citizenship, the words "resident," "inhabitant," and "citizen," are used indiscriminately and in a confused way. On account of that confusion in the statute it is a common thing for the average practitioner in drawing his pleadings to indulge in the same confusion and inaccuracy, and he brings his suit into the Federal court predicated upon diverse citizenship, and instead of alleging technically—the courts are very technical on that point, you must be technical and precise in alleging diverse citizenship—as I say, instead of being technical the average lawyer draws his pleadings in the same loose way. You can not use correctly the words "resident" or "inhabitant" in this connection, but must use "citizen." Now, if it is pointed out in the circuit court that you have not alleged with technical precision the diverse citizenship which the law requires, you can amend there, but if you overlook it in the circuit court, if it is not taken advantage of there, and it gets into the court of appeals, it can not be waived there, it can not be amended there, it can not be overlooked there, or if it is overlooked, if it is waived, the Supreme Court upon certiorari will reverse it and dismiss the case. The case of *Knight v. Litcher, Moore & Co.*, 136 Fed. Rep., 404, settles this. That is the law.

Mr. DAVIS of Minnesota. Mr. Speaker, I would like to ask the gentleman if this amendment applies solely or generally after the case has been tried so as to make the pleading conform to the proof?

Mr. CLAYTON. It applies in the circuit court of appeals. You try your case in the circuit court, and this defect was not pointed out. The case is tried on its merits, and it is a mere technical defect and was not discovered or was not pointed out or was not taken advantage of. In the circuit court of appeals, by the provisions of this bill, the technical defect in pleading can be cured, and the case can proceed, if there is no other error in the case, and the litigation may be settled.

Mr. DAVIS of Minnesota. It simply allows him to amend the pleading to conform with the proof?

Mr. CLAYTON. Yes.

Mr. BOWERS. May I ask the gentleman a question?

Mr. CLAYTON. Certainly.

Mr. BOWERS. Is not this bill really a bill to cure defects in lawyers rather than in the law? [Laughter.]

Mr. CLAYTON. That is to some extent a just criticism. I have no doubt the gentleman from Mississippi has been guilty, at some time in his long practice, of defective pleading. The bill is in line with modern legislation which seeks to allow defective technical pleadings to be amended, to the end that justice may be done.

Mr. BOWERS. I never have gone out of court on it, I will say to my friend.

Mr. CLAYTON. I shall incorporate in my remarks the report prepared by me for the committee. It makes a full explanation of the bill:

The Committee on the Judiciary, to whom was referred the bill (H. R. 12709) to allow and regulate amendments in judicial proceedings in

the courts of the United States, report the same with the recommendation that it do pass.

The bill is in the interest of the better administration of justice by the courts.

However difficult the question may be the complainant must decide at his own peril, at the beginning of his suit in equity, that he has no complete and adequate remedy at law. (See *Buzard v. Houston*, 119 U. S., 347.)

If the court decides that his remedy is an action at law, his bill is dismissed regardless of the merits of his case. This may be after much delay and after great expense has been incurred. It may be that then his cause has become barred by the statute of limitations, and if so, that justice has been defeated.

The first section of this bill seeks to cure this. It gives the right to transfer the case from the equity side of the court to the law side, upon such terms as the court may prescribe, to the end that injustice may not be done to either party to the cause.

The second section of the bill is to allow defective pleading to be cured in the appellate court, so that a mere technicality may not be invoked to defeat a meritorious cause.

The jurisdiction of a circuit court in any case must appear of record. The decisions of the Supreme Court are very technical and exacting in this particular. The average lawyer makes omissions and mistakes in his pleadings upon which jurisdiction is founded, although the requisite diverse citizenship of the parties really exists, and the cause is one which can be rightfully brought into the United States court.

In the statute and amendment (judiciary act of 1887, amended in 1888) providing for the removal of causes on account of diverse citizenship the words "resident," "inhabitant," and "citizen" are used in such a way as to cause confusion to one who is not familiar with the distinctions between these terms. The ordinary lawyer in his pleadings in the circuit court often uses "resident" or "inhabitant" when he means "citizen" and should employ that word.

Under existing law this defect may be cured in the circuit court by amendment, but if the defect be first discovered or taken advantage of in the circuit court of appeals the amendment can not be allowed, and the appellate court is not permitted to ignore or overlook the defect. If it does, the Supreme Court on the certiorari will reverse the decision. (*Knight v. Litcher-Moore L. Co.*, 136 Fed. Rep., 404.)

If the amendment could be allowed in the appellate court the case might be affirmed, the litigation ended, and justice administered.

Mr. JENKINS. Mr. Speaker, I call for the previous question.

Mr. RANDELL of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANDELL of Texas. I am desirous of introducing an amendment that will carry out the purposes of the second section, and I wish to know when I can offer it.

The SPEAKER. If the previous question is not demanded or ordered, the gentleman can offer it now.

Mr. RANDELL of Texas. Then I hope the gentleman from Wisconsin will withdraw his demand for the previous question.

Mr. JENKINS. I will withdraw it, Mr. Speaker, and yield to the gentleman to offer his amendment.

Mr. RANDELL of Texas. I offer the following amendment, Mr. Speaker, which I send to the desk.

The Clerk read as follows:

Add to section 2 of the bill the following: "Provided, That this section shall not apply in any case where the petition for removal has been overruled in the State court."

Mr. JENKINS. Mr. Speaker, I yield two minutes to the gentleman from Texas.

Mr. RANDELL of Texas. Mr. Speaker, the intention of the amendment is to carry out the purpose, as I understand it, of this second section. If, on account of defective pleading, a party is about to lose a right supposed to be guaranteed by law, this bill in the second section allows him to amend his pleading in the Federal court; but it may be that the petition for removal will have been overruled, thus leaving the case in the State court. Suppose the pleading is such that the State court overrules the petition for removal, under this bill the trouble may be remedied in the Federal court by amendment, and there we have the case in two courts if petition for removal has been denied in the State court. This, it seems to me, would be unfair. It is not the fault of the plaintiff, and yet he loses his right to stay in the State court. On the showing, on the face of the petition, removal should not be granted; but under this bill, and under our decisions as they now stand, the transcript can be carried to the Federal court, and there the pleading may be amended. Hence we have the case in two courts. It seems to me the party who claims the right to amend his pleading ought not by his own fault to put his adversary at a disadvantage. I think the second section should not apply in a case where in the State court the petition for removal has been overruled; and I believe my amendment will carry out the real intention of this second section, which evidently is to remove technical obstacles from our judicial procedure and pleading.

Mr. JENKINS. Mr. Speaker, I yield to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, just a word in reply to the gentleman from Texas. I think if his amendment were adopted it would go a long way toward defeating the object of this second section of the bill. The second section of the bill is to correct that defective pleading, it matters not when or where

that defective pleading happened, so that in the end justice may be done. I hope the amendment will be voted down.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. RANDALL of Texas) there were—ayes 9, noes 31.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

#### WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. OTJEN to withdraw from the files of the House, without leaving copies, the papers in the case of Edgar Parry, Fifty-eighth Congress, no adverse report having been made thereon.

To Mr. LEE, to withdraw from the files of the House, without leaving copies, the papers in the case of Jordan H. Saylor, Fifty-ninth Congress, no adverse report having been made thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRANGER, for one week, on account of important business.

To Mr. PUJO, for ten days, on account of important business.

To Mr. RHODES, indefinitely, on account of illness.

#### DESTRUCTION OF USELESS DOCUMENTS.

The SPEAKER laid before the House a letter from the Postmaster-General, transmitting a statement of certain useless documents suitable for destruction under the act of February 16, 1889, and announced the appointment of the following committee under the law:

Mr. BATES and Mr. RICHARDSON of Kentucky.

#### ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 5 o'clock and 20 minutes p. m.), the House adjourned until to-morrow, at 12 o'clock noon.

#### 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, with a favorable recommendation, a draft of a bill providing for the bonding of certain officers of his Department—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the assistant treasurer of the Washington, Alexandria and Mount Vernon Railway Company, transmitting a statement for the year ended December 31, 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting, with a favorable recommendation, a draft of a bill relating to the bonds and oaths of shipping commissioners—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A letter from the president of the East Washington Heights Traction Railroad Company, transmitting the report for the last four months of 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of State, transmitting, with a letter from the Commissioner for the United States to the International Prison Congress, an index of the reports of the association—to the Committee on Printing.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Leopold Bickart against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. M. Derreberry, administrator of estate of Samuel B. Derreberry against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of U. S. Denny, heir of estate of Thomas D. Denny, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of

John A. Herrod against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. G. Mason, administrator of estate of Glorvinia Mason and John O. Mason, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Jane*, Robert Knox, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. W. Aycock, administrator of estate of Reddick Aycock, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Susannah Schwartz, executrix of estate of Christian Schwartz, member of the firm of Christian Schwartz and Leopold Bickart, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for the public schools of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of increase of appropriation for an investigation of the condition of women wage-earners in the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. C. M. and W. N. Cunyningham, executors of the estate of Elvina Cunyningham, against The United States—to the Committee on War Claims, 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 Grays Harbor (inner portion) and Chehalis River to Montesano, Wash.—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

A letter from the Postmaster-General, transmitting a schedule of useless documents suitable for disposal under act of February 16, 1889—to the Select Committee on Disposal of Useless Papers, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 12864) to provide for the purchase of certain coal lands in the Philippine Islands, and to authorize the lease of same and of the Batan Military Reservation for the purpose of securing a local coal supply to the United States Government in the Philippine Islands, reported the same with amendment, accompanied by a report (No. 1182); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8977) to create a new division of the western judicial district of Texas, and to provide for terms of court at Delrio, Tex., and for a clerk for said court, and for other purposes, reported the same without amendment, accompanied by a report (No. 1181); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions 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. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4810) granting an increase of pension to Jerome Goodsell, reported the same with amendment, accompanied by a report (No. 1126); 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 House (H. R. 2991) granting



a pension to Henry F. Landes, reported the same with amendment, accompanied by a report (No. 1127); 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 House (H. R. 13034) granting an increase of pension to Frederick Hildenbrand, reported the same with amendment, accompanied by a report (No. 1128); 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 House (H. R. 12900) granting an increase of pension to James D. Havens, reported the same with amendment, accompanied by a report (No. 1129); 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 House (H. R. 12643) granting an increase of pension to William H. Franklin, reported the same with amendment, accompanied by a report (No. 1130); 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 House (H. R. 12540) granting an increase of pension to Morris J. James, reported the same with amendment, accompanied by a report (No. 1131); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11065) granting an increase of pension to Joseph Pollard, reported the same with amendment, accompanied by a report (No. 1132); 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 House (H. R. 10594) granting an increase of pension to James Martin, reported the same with amendment, accompanied by a report (No. 1133); 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 House (H. R. 11071) granting an increase of pension to Allen E. Williams, reported the same without amendment, accompanied by a report (No. 1134); 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 House (H. R. 11742) granting an increase of pension to Charles H. Culver, reported the same with amendment, accompanied by a report (No. 1135); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11209) granting an increase of pension to Thomas Griffith, reported the same with amendment, accompanied by a report (No. 1136); 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 House (H. R. 14123) granting an increase of pension to Gottlieb Spitzer, reported the same with amendment, accompanied by a report (No. 1137); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7223) granting an increase of pension to George Blair, reported the same without amendment, accompanied by a report (No. 1138); 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 House (H. R. 7396) granting an increase of pension to John E. Ball, reported the same with amendment, accompanied by a report (No. 1139); 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 House (H. R. 8161) granting an increase of pension to Alonzo Douglas, reported the same with amendment, accompanied by a report (No. 1140); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8289) granting an increase of pension to Isaac J. Holt, reported the same without amendment, accompanied by a report (No. 1141); 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 House (H. R. 8642) granting an increase of pension to Henry Crandall, reported the same

with amendment, accompanied by a report (No. 1142); 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 House (H. R. 13584) granting an increase of pension to Anna M. Jefferis, reported the same with amendment, accompanied by a report (No. 1143); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11129) granting an increase of pension to Thomas J. Lindsey, reported the same with amendment, accompanied by a report (No. 1144); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9898) granting a pension to Abraham H. Miller, reported the same with amendment, accompanied by a report (No. 1145); 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 House (H. R. 10478) granting an increase of pension to William McGowan, reported the same with amendment, accompanied by a report (No. 1146); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12090) granting an increase of pension to Mary M. Stark, reported the same with amendment, accompanied by a report (No. 1147); 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 House (H. R. 12101) granting an increase of pension to Alfred Connor, reported the same without amendment, accompanied by a report (No. 1148); 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 House (H. R. 10399) granting an increase of pension to John H. H. Sands, reported the same with amendment, accompanied by a report (No. 1149); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12275) granting a pension to Verelle S. Willard, reported the same with amendment, accompanied by a report (No. 1150); 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 House (H. R. 12417) granting an increase of pension to Samuel G. Raymond, reported the same with amendment, accompanied by a report (No. 1151); 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 House (H. R. 12795) granting an increase of pension to Henry Stimon, reported the same with amendment, accompanied by a report (No. 1152); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13525) granting a pension to Wilson Hensley, reported the same with amendment, accompanied by a report (No. 1153); 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 House (H. R. 13610) granting an increase of pension to James Hann, reported the same with amendment, accompanied by a report (No. 1154); 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 House (H. R. 13798) granting an increase of pension to Alida King, reported the same without amendment, accompanied by a report (No. 1155); 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 House (H. R. 13861) granting an increase of pension to Wilhelm Dickhoff, reported the same with amendment, accompanied by a report (No. 1156); 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 House (H. R. 1243) granting an increase of pension to John W. Burton, reported the same with amendment, accompanied by a report (No. 1157); 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 House (H. R. 1331) granting an increase of pension to Roswell J. Kelsey, reported the same with amendment, accompanied by a report (No. 1158); 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 House (H. R. 1460) granting an increase of pension to C. W. Renell, reported the same with amendment, accompanied by a report (No. 1159); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1742) granting an increase of pension to Jonathan Daughenbaugh, reported the same with amendment, accompanied by a report (No. 1160); 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 House (H. R. 1967) granting an increase of pension to Joseph Baker, reported the same with amendment, accompanied by a report (No. 1161); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2006) granting an increase of pension to Florence B. Knight, reported the same with amendment, accompanied by a report (No. 1162); 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 House (H. R. 2344) granting an increase of pension to Selden C. Clobridge, reported the same without amendment, accompanied by a report (No. 1163); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2982) granting an increase of pension to Ansel K. Tisdale, reported the same with amendment, accompanied by a report (No. 1164); 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 House (H. R. 3397) granting an increase of pension to Nicholas Chrisler, reported the same with amendment, accompanied by a report (No. 1165); 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 House (H. R. 4222) granting an increase of pension to Otto Boesewetter, reported the same with amendment, accompanied by a report (No. 1166); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4832) granting an increase of pension to Henry W. Yates, reported the same with amendment, accompanied by a report (No. 1167); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5215) granting an increase of pension to Jennie Little, reported the same with amendment, accompanied by a report (No. 1168); 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 House (H. R. 5383) for the relief of John W. Davis, reported the same with amendment, accompanied by a report (No. 1169); 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 House (H. R. 5615) granting an increase of pension to John Coleman, jr., reported the same with amendment, accompanied by a report (No. 1170); 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 House (H. R. 6453) granting an increase of pension to W. H. Marsden, reported the same with amendment, accompanied by a report (No. 1171); 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 House (H. R. 9904) granting an increase of pension to Neeta H. Marquis, reported the same with amendment, accompanied by a report (No. 1172); 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 House (H. R. 11536) granting an increase of pension to James D. Hudson, reported the same with amendment, accompanied by a report (No. 1173); 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 House (H. R. 11625) granting a pension to William C. Robison, reported the same with amendment, accompanied by a report (No. 1174); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10725) granting an increase of pension to Etta D. Conant, reported the same with amendment, accompanied by a report (No. 1175); 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 House (H. R. 7844) granting a pension to Phoebe Keith, reported the same with amendment, accompanied by a report (No. 1176); 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 House (H. R. 8063) granting an increase of pension to Mary A. Coburn, reported the same with amendment, accompanied by a report (No. 1177); 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 House (H. R. 8144) granting a pension to Ada J. Lasswell, reported the same with amendment, accompanied by a report (No. 1178); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9561) granting a pension to Clara I. Ashbury, reported the same with amendment, accompanied by a report (No. 1179); 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 House (H. R. 2766) granting an increase of pension to Horace E. Brown, reported the same with amendment, accompanied by a report (No. 1180); 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. MINOR: A bill (H. R. 14576) to increase the limit of cost of the public building for Green Bay, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 14577) for the erection of a public building at Platteville, Wis.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14578) to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 14579) to protect free labor and the industries in which it is employed from the injurious effect of convict competition by confining the sale of goods, wares, and merchandise manufactured by convict labor to the State or Territory in which they are produced—to the Committee on Labor.

Also, a bill (H. R. 14580) for the relief of volunteer officers and soldiers who served during the Spanish-American war and beyond the period of their enlistment—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 14581) to appropriate \$25,000 to inclose and beautify the grounds and repair the monument on Moores Creek battlefield, North Carolina—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 14582) for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. KENNEDY of Nebraska: A bill (H. R. 14583) to provide for macadamizing Fort Crook military boulevard from Fort Crook, Nebr., to the south city limits of South Omaha, Nebr., and appropriating money therefor—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 14584) for the improvement of the Tallahatchie River from the mouth of Coldwater River to Batesville, Miss.—to the Committee on Rivers and Harbors.

By Mr. SIMS: A bill (H. R. 14585) to amend an act for the relief of parties for property taken from them by military forces of the United States—to the Committee on War Claims.

By Mr. GROSVENOR: A bill (H. R. 14586) to incorporate "The Edes Home"—to the Committee on the District of Columbia.

By Mr. STERLING: A bill (H. R. 14587) to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed—to the Committee on the Judiciary.

By Mr. GREENE: A bill (H. R. 14588) authorizing Government assistance in the development and encouragement of ramie fiber silk and flax preparation and manufacture, and their production and profitable home market in the United States, under the supervision of the Secretary of Commerce and Labor—to the Committee on Manufactures.

By Mr. JAMES: A bill (H. R. 14589) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge over the Tennessee River—to the Committee on Interstate and Foreign Commerce.



Also, a bill (H. R. 14590) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: A bill (H. R. 14591) to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14592) to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES B. LANDIS: A bill (H. R. 14593) to increase the limit of cost for the purchase of site and the erection of a public building at Crawfordsville, Ind.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14594) providing for the erection of a public building at Kokomo, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. WEBBER: A bill (H. R. 14595) to provide for the erection of a public building at Mount Gilead, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14596) for the erection of a public building at Norwalk, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14597) for the erection of a public building at Elyria, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14598) for the erection of a public building at Lorain, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14599) to provide for the purchase of a site and the erection of a public building at Mount Vernon, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14600) to provide for the erection of a public building at Ashland, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14601) to provide for the purchase of a site and the erection of a public building at Mansfield, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: A bill (H. R. 14602) to regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. LARRINAGA: A bill (H. R. 14603) to provide for a duty on all coffees coming from foreign countries into ports of the United States and its possessions—to the Committee on Ways and Means.

By Mr. VREELAND: A bill (H. R. 14604) forbidding the importation and carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 14605) to increase the limit of cost of the public building at Ogden, Utah—to the Committee on Public Buildings and Grounds.

By Mr. PAYNE: A bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes—to the Committee on Ways and Means.

By Mr. SOUTHARD: A bill (H. R. 14607) to provide for the erection of a public building at Toledo, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. KLINE: A bill (H. R. 14608) granting to any assistant surgeon in the United States Navy, in determining his lineal and relative rank, the same credit for prior commissioned service to which assistant surgeons who served as medical officers in the Volunteer Army during the war with Spain are entitled under section 18 of the act approved February 2, 1901—to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 14609) to pay all Federal soldiers honorably discharged \$2 per day while confined in Confederate military prisons thirty days or more—to the Committee on War Claims.

Also, a bill (H. R. 14610) to amend section 3 of an act entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,'" approved June 27, 1890—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 14611) to create and establish a Bureau of Geology and Mining as a part of the Department of Commerce and Labor—to the Committee on Mines and Mining.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 14612) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for

national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. SOUTHARD: A concurrent resolution (H. C. Res. 18) providing for the printing of 3,000 additional copies of Report of Director of the Mint for years 1904 and 1905—to the Committee on Printing.

By Mr. SPARKMAN: A concurrent resolution (H. C. Res. 19) asking the President to issue a proclamation concerning a celebration in honor of the commencement of work on the Panama Canal—to the Select Committee on Industrial Arts and Expositions.

By Mr. MAHON: A resolution (H. Res. 268) to supply the committee and cloak rooms with pure natural spring water—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. AMES: A bill (H. R. 14613) in the interest of Gilbert P. Cotton—to the Committee on Military Affairs.

Also, a bill (H. R. 14614) for the relief of Henry C. Bliss—to the Committee on Military Affairs.

Also, a bill (H. R. 14615) for the relief of Charles Bates—to the Committee on Military Affairs.

Also, a bill (H. R. 14616) for the relief of Daniel Walsh—to the Committee on Military Affairs.

Also, a bill (H. R. 14617) for the relief of Patrick McGarry—to the Committee on Military Affairs.

Also, a bill (H. R. 14618) for the relief of the estate of Mark S. Gorrill—to the Committee on Claims.

Also, a bill (H. R. 14619) for the relief of Capt. Rogers F. Gardner—to the Committee on Claims.

Also, a bill (H. R. 14620) for the relief of Matthew Hogan—to the Committee on Military Affairs.

Also, a bill (H. R. 14621) granting a pension to Frank Maguire—to the Committee on Pensions.

Also, a bill (H. R. 14622) granting a pension to Dennis H. Finn—to the Committee on Pensions.

Also, a bill (H. R. 14623) granting an increase of pension to William Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14624) granting an increase of pension to Kate T. Dimon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14625) granting an increase of pension to Alden Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14626) granting an increase of pension to William I. Bastian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14627) granting a pension to George A. Kittredge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14628) granting an increase of pension to Patrick Deverix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14629) granting a pension to Marcella E. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14630) granting an increase of pension to Mary Eaton Livingston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14631) granting an increase of pension to Emma Thurston—to the Committee on Pensions.

Also, a bill (H. R. 14632) to correct the military record of Alonzo Vining—to the Committee on Military Affairs.

Also, a bill (H. R. 14633) to remove charge of desertion of Lawrence Martin—to the Committee on Military Affairs.

Also, a bill (H. R. 14634) for the relief of George H. Chase—to the Committee on Military Affairs.

Also, a bill (H. R. 14635) for the relief of Michael H. Farrell—to the Committee on Claims.

Also, a bill (H. R. 14636) for the relief of Charles M. Peirce—to the Committee on Claims.

Also, a bill (H. R. 14637) granting an increase of pension to Frank W. Buxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14638) granting an increase of pension to William D. Lamb—to the Committee on Pensions.

Also, a bill (H. R. 14639) granting an increase of pension to Sarah J. Merrill—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 14640) granting an increase of pension to Annie D. Page—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 14641) for the relief of Hiram Pope and William Pope—to the Committee on War Claims.

Also, a bill (H. R. 14642) granting a pension to James P. Himes—to the Committee on Pensions.

Also, a bill (H. R. 14643) granting a pension to Rector Vaughn, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14644) granting an increase of pension to Albert G. Roper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14645) granting a pension to Cynthia Gulley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14646) granting an increase of pension to A. R. Fisher—to the Committee on Pensions.

Also, a bill (H. R. 14647) granting an increase of pension to Louis S. Wyatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14648) granting an increase of pension to Joseph Walsh—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 14649) granting an increase of pension to Susan P. Torrey—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 14650) granting an increase of pension to Abel M. Lackey—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 14651) granting a pension to Samantha M. Stephens—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 14652) granting an increase of pension to James Welsh—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 14653) granting an increase of pension to Sophronia Lofton—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 14654) for the relief of George R. Blackwood—to the Committee on Military Affairs.

Also, a bill (H. R. 14655) granting a pension to Henry Gilham—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 14656) granting an increase of pension to John D. Hamersley—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 14657) granting an increase of pension to D. W. West—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 14658) granting an increase of pension to Daniel H. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14659) granting a pension to Minerva E. Banning Sherer—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 14660) granting an increase of pension to Daniel M. Philbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14661) granting an increase of pension to John B. Bussell—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 14662) granting a pension to Daniel Jarboe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14663) granting an increase of pension to David Ayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14664) granting an increase of pension to James Gaffney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14665) granting an increase of pension to William E. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14666) granting an increase of pension to Duncan M. Vinsonholer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14667) granting an increase of pension to Henry Molter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14668) granting an increase of pension to Elizabeth H. Early—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 14669) granting an increase of pension to Anna H. Wagner—to the Committee on Pensions.

By Mr. DAVIDSON: A bill (H. R. 14670) granting a pension to Nancy Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14671) granting an increase of pension to Rollin S. Burbank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14672) granting an increase of pension to James McNeil—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 14673) granting an increase of pension to David H. Semans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14674) granting an increase of pension to Henry Denzer—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 14675) granting an increase of pension to James Davis—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 14676) granting an increase of pension to Leander Stocker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14677) granting a pension to Reuben R. Ballenger—to the Committee on Pensions.

Also, a bill (H. R. 14678) granting a pension to James A. Boggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14679) granting an increase of pension to Richard H. Vanderhoof—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14680) granting an increase of pension to Sampson Parker—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 14681) granting an increase

of pension to Melinda Bennett—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 14682) granting an increase of pension to Harrison Lee—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 14683) for the relief of and to correct the military record of G. W. Glenn—to the Committee on Military Affairs.

Also, a bill (H. R. 14684) granting a pension to Adline Cloer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14685) granting a pension to J. M. C. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14686) granting a pension to John A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14687) granting an increase of pension to Paton Drewry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14688) granting an increase of pension to Robert Timmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14689) granting an increase of pension to Herman G. Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14690) granting an increase of pension to Henrietta Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14691) granting an increase of pension to Thompson Garland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14692) granting a pension to A. H. Alfrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14693) granting a pension to Nancy A. Smith—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 14694) granting an increase of pension to Samuel R. Dummer—to the Committee on Pensions.

By Mr. FULKERSON: A bill (H. R. 14695) granting a pension to Isaac Lance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14696) granting a pension to Mary F. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14697) granting a pension to P. G. Higbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14698) granting an increase of pension to William F. Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14699) granting an increase of pension to Levi H. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14700) granting an increase of pension to George Weisser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14701) granting an increase of pension to Jordan J. Denny—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 14702) granting an increase of pension to Christian Schlosser—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 14703) to authorize an appropriation to pay Mrs. Corinne Lawrence, the widow of W. L. B. Lawrence, for certain property taken, applied, damaged, used, and consumed by and for the immediate benefit of the Army of the United States in 1862 and 1863—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 14704) granting a pension to Mary J. Quirk—to the Committee on Pensions.

Also, a bill (H. R. 14705) granting an increase of pension to Alva Beebe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14706) granting an increase of pension to Marshall B. Burk—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 14707) granting an increase of pension to S. A. Duling—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 14708) for the relief of Jeremiah C. Conkling—to the Committee on Claims.

By Mr. HEFLIN: A bill (H. R. 14709) for the relief of the estate of James McDonough, deceased, late of Chambers County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 14710) granting an increase of pension to M. E. Lewis—to the Committee on Pensions.

Also, a bill (H. R. 14711) granting an increase of pension to Sydney R. Grigg—to the Committee on Pensions.

Also, a bill (H. R. 14712) granting an increase of pension to Mary J. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14713) to pay the estate of John M. Ellington, deceased, the sum of \$7,755 for stores and supplies—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 14714) for the relief of C. M. Rankhorn, administrator of Crawford Rankhorn, deceased—to the Committee on War Claims.

By Mr. HUBBARD: A bill (H. R. 14715) granting an increase of pension to Norman W. McDonald—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 14716) granting an increase of pension to Aldrich Patterson—to the Committee on Pensions.

Also, a bill (H. R. 14717) granting an increase of pension to Milton Burgess—to the Committee on Pensions.



By Mr. JOHNSON: A bill (H. R. 14718) granting an increase of pension to Joseph A. Jones—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 14719) granting an increase of pension to Hannah A. Preston—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14720) for the relief of Bernard Campbell—to the Committee on Claims.

Also, a bill (H. R. 14721) granting a pension to John Gleason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14722) granting an increase of pension to Leonard S. Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14723) granting an increase of pension to William O'Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14724) to authorize the President to appoint Capt. Edward O. C. Ord to the grade of major in the United States Army and place him on the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 14725) to grant honorable discharges from the United States Navy to certain officers and men of the naval militia of the State of California who performed active duty on board of the United States steamship *Marion* and the United States steamship *Pinta* during the war with Spain—to the Committee on Naval Affairs.

By Mr. KENNEDY of Nebraska: A bill (H. R. 14726) granting an increase of pension to William Arnold—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 14727) granting an increase of pension to W. L. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14728) granting an increase of pension to William Cartwright—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 14729) granting an increase of pension to David Ford—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 14730) granting a pension to Elizabeth Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14731) granting a pension to Ezra H. Wiggins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14732) granting a pension to Ambrose G. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14733) granting an increase of pension to Isaac Babcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14734) granting an increase of pension to Edwin A. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14735) to remove the charge of desertion against John B. Ackley—to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 14736) granting an increase of pension to Isaac C. Smallwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14737) to renew and extend certain letters patent heretofore issued to Alex. Worden, of Petoskey, Mich.—to the Committee on Patents.

By Mr. McMORRAN: A bill (H. R. 14738) to remove the charge of desertion from the military record of Enoch Vandecar—to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 14739) for the relief of A. R. Miller—to the Committee on Claims.

Also, a bill (H. R. 14740) to correct the military record of George F. Dewey—to the Committee on Military Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 14741) granting an increase of pension to William H. Smyser—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 14742) granting an increase of pension to Jacob S. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14743) granting an increase of pension to Ermina A. Boss—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 14744) granting a pension to Col. Isom Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14745) granting an increase of pension to Frederick B. Walton—to the Committee on Pensions.

Also, a bill (H. R. 14746) granting an increase of pension to John F. Houssinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14747) granting an increase of pension to Daniel M. Meredith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14748) granting an increase of pension to William F. Burks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14749) granting an increase of pension to George Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14750) making an appropriation for Thomas A. Vernon—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 14751) granting an increase of pension to Henry Reens—to the Committee on Invalid Pensions.

By Mr. PATTERSON of North Carolina: A bill (H. R. 14752) granting an increase of pension to William H. Gautier—to the Committee on Pensions.

Also, a bill (H. R. 14753) granting an increase of pension to James M. Sykes—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 14754) for the relief of Daniel Smith—to the Committee on War Claims.

Also, a bill (H. R. 14755) granting an increase of pension to Joseph Timmens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14756) granting an increase of pension to Mary E. Johnston—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 14757) granting a pension to Jordan King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14758) granting a pension to William S. Suter, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14759) granting a pension to Jacob Chamberlain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14760) granting a pension to John Fleege—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14761) granting an increase of pension to John L. Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14762) granting an increase of pension to W. Grant Mollott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14763) granting an increase of pension to John W. Gummo—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 14764) for the relief of William H. Taliaferro, administrator of James G. Taliaferro, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14765) for the relief of A. H. Weaver, of Calverton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 14766) for the relief of the supervisors of Stafford County, Va.—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 14767) granting an increase of pension to Henry Simon—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 14768) granting a pension to Orlando W. Frazier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14769) granting an increase of pension to Lewis Gilbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14770) granting an increase of pension to Jennie L. Buckles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14771) granting an increase of pension to Matilda B. M. Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14772) to remove the charge of desertion from the record of Leander J. Day—to the Committee on Military Affairs.

By Mr. SHARTEL: A bill (H. R. 14773) granting an increase of pension to Thomas Currah—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14774) granting an increase of pension to Levi M. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14775) granting an increase of pension to Hugh L. Freeman—to the Committee on Pensions.

Also, a bill (H. R. 14776) to remove the charge of desertion from John M. Compton—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 14777) granting a pension to Mary A. Clark—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 14778) for the relief of James J. Elliott—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 14779) granting an increase of pension to Willard Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14780) granting an increase of pension to John A. Royer—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 14781) granting a pension to Charles M. Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14782) granting an increase of pension to Michael Manahan—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 14783) granting an increase of pension to John A. Reese—to the Committee on Pensions.

Also, a bill (H. R. 14784) granting an increase of pension to William F. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14785) granting an increase of pension to Susan M. Rodgers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14786) granting an increase of pension to George E. Carr—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 14787) granting an increase of pension to Francis M. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14788) granting an increase of pension to David M. Hammond—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 14789) for the relief of

the heirs of Elisha Lowry, of Gordon County, Ga.—to the Committee on War Claims.

By Mr. WATSON: A bill (H. R. 14790) to place Hugh T. Reed on the retired list of the Army—to the Committee on Military Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 14791) granting a pension to Mary S. Hodo—to the Committee on Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 14792) granting an increase of pension to Marie Louise Michie—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 14793) granting an increase of pension to William W. Howell—to the Committee on Pensions.

By Mr. COUSINS: A bill (H. R. 14794) to remove the charge of desertion from the military record of Andrew S. Abbot—to the Committee on Military Affairs.

Also, a bill (H. R. 14795) granting an increase of pension to James H. Ross—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 14796) granting an increase of pension to Tony Verrosso—to the Committee on Pensions.

By Mr. HEFLIN: A bill (H. R. 14797) granting an increase of pension to John Tenant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14798) granting a pension to Lucinda Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14799) granting a pension to W. W. Dobson—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 14800) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill.—to the Committee on War Claims.

By Mr. MARSHALL: A bill (H. R. 14801) granting an increase of pension to Thomas Armstrong—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 14802) for the relief of Frank W. Clark—to the Committee on War Claims.

#### 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. 1775) granting a pension to Alexander Kinnison—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10304) granting an increase of pension to Michael Daniel Kernan—Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 8304) for the relief of William B. Payne—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13527) granting a pension to Willard V. Shepherd—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11990) granting an increase of pension to Daniel M. Coffman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### 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 the board of aldermen of Boston, in favor of a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: Petition of citizens of Irish Ripple, Lawrence County, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ADAMS of Pennsylvania: Petition of the sanitary district of Chicago, for an appropriation for a canal from Lake Michigan to the Mississippi River—to the Committee on Railways and Canals.

Also, petition of the National Business League, for reform of the consular service—to the Committee on Foreign Affairs.

Also, petition of the National Board of Trade, held in Washington, D. C., January 16-18, 1906, in regard to the exclusion of Chinese—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of the Order of Railway Conductors of Buffalo, N. Y., for the employers' liability and anti-injunction bills—to the Committee on the Judiciary.

Also, petition of the Lake Seamen's Union of Buffalo, N. Y., for maintenance of marine hospitals—to the Committee on Naval Affairs.

Also, petition of the New York State legislative board, Brotherhood of Locomotive Engineers, against the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State legislative board, Brotherhood of Locomotive Engineers, against repeal of the Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. AMES: Petitions of the Courier and the Leader, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARTLETT: Petitions of Jesse W. Bates, of Macon, Ga., and the J. K. Orr Shoe Company, for removal of the tariff on hides—to the Committee on Ways and Means.

By Mr. BEIDLER: Petitions of the Medina County Gazette, the Collinwood Chronicle, the Advertiser, the Times, the Cleveland Herald Publishing Company, the Review, and the East Cleveland Signal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Petitions of Tabor & Ellington, the Cherokee Advance, and S. E. Johnston, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Hiram A. Darnell—to the Committee on Invalid Pensions.

Also, petitions of citizens of Gainesville, Ga., and Flowery Branch Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BENNET of New York: Petition of the Nepperhan Avenue Baptist Church, of Yonkers, N. Y., not to pass bill H. R. 7043—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of the National Business League, for reform in the consular service—to the Committee on Foreign Affairs.

Also, petitions of citizens of Merriam, Kans.; Equity Grange, Lone Elm, Kans., and the Kansas Society of Labor, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Petition of the business men of Devalls Bluff, Ark., in regard to an appropriation for improvement of the river—to the Committee on Rivers and Harbors.

By Mr. BUCKMAN: Petitions of the Daily and Weekly Journal-Press, the Cass Lake Times-Press, the Messenger-Times, the Independent, the Advocate, the Brainerd Arena, the Sherburne County Times, the Swanville News, the Cokato Enterprise, and the Anchor, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Minnesota, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of Brandywine Council, No. 758, Junior Order of United American Mechanics, to revise the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of W. H. Bush—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of A. C. Stafford—to the Committee on Invalid Pensions.

Also, petition of Caney Creek Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

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

By Mr. CHANEY: Petition of the Lawrence County Farmers' Institute Association, for reciprocity with foreign nations—to the Committee on Ways and Means.

By Mr. CHAPMAN: Petition of W. T. Hollifield and others, requesting removal of the duty on hides—to the Committee on Ways and Means.

By Mr. COLE: Petition of the Observer, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Friendship Grange, No. 670, Kenton, Ohio, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. CURTIS: Petition of the Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALZELL: Paper to accompany bill for relief of Anna H. Wagner—to the Committee on Pensions.

Also, petition of citizens of Pittsburg, for the McCumber-Sperry bill—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East End, Pittsburg, for an amendment to the Constitution relative to divorce laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East Pittsburg, against the sale of opium—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East Side, Pittsburg, for prohibition of polygamy—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of



East Side, Pittsburg, for arbitration treaty—to the Committee on Foreign Affairs.

Also, petition of the Woman's Christian Temperance Union of East Side, Pittsburg, against the sale of liquor in all public buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of East Pittsburg, for a Sunday law in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of East End, Pittsburg, to exclude gambling from the express and telegraph service—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East End, Pittsburg, to exclude gambling schemes from the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Pennsylvania State Grange, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of General Putnam Council, No. 125, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVEY of Louisiana: Petition of W. E. Lawrence, for repeal of revenue tax on denaturalized alcohol—to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Paul Nelson—to the Committee on Invalid Pensions.

Also, petitions of John O'Hara, Mike Coghlin et al., John P. Gilman, H. K. Strand, and G. C. Fasbender, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. DICKSON of Illinois: Petition of the Mount Carmel Register, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the National Grange, Patrons of Husbandry, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Engineers, New York State legislative board, against any law that would repeal the present Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers, New York State legislative board, against the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Produce Exchange, favoring moderation of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of the New York Produce Exchange, board of managers, against railway rate making by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Business League, for reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of Mettiewe Grange, No. 806, of Greenville, N. Y., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

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

By Mr. ELLIS: Paper to accompany bill for relief of Isaac Meyer—to the Committee on War Claims.

Also, paper to accompany bill for relief of John Jefferson Wilson—to the Committee on Military Affairs.

By Mr. ESCH: Petition of the Wisconsin Humane Society, against bills H. R. 47, 145, and 440—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin State Board of Agriculture, for revision of tariff schedules—to the Committee on Ways and Means.

Also, petition of the California Fruit Growers' Exchange, for Government control of railway rates and private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Dairymen's Association, for more experiment stations—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, endorsing the railway-rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Dairymen's Association, for a distinct Dairy Bureau in the Department of Agriculture—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, against the bill reducing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the Central Federated Union of New York, approving bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Brotherhood of Locomotive Engineers, against freight rates by Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. FLACK: Petition of Malone Grange, of Malone, N. Y., for a law to prevent collection on newspapers or periodicals mailed to subscribers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fort Covington Grange, No. 937, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

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

Also, petition of the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition of A. G. Bainbridge, of Minneapolis, in favor of proper restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Politiken, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLOYD: Petition for the relief of John Welch, to accompany bill H. R. 14554—to the Committee on Invalid Pensions.

By Mr. FOWLER: Petition of the Board of Trade of Elizabeth, N. J., to extend the time to build a bridge over Newark Bay—to the Committee on Rivers and Harbors.

By Mr. FRENCH: Petitions of the Troy Weekly News, the Herald, and the Gem State Rural, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of J. J. Witte, against the tariff on linotype machines—to the Committee on Ways and Means.

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

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

Also, petition of the United Confederate Veterans, relative to graves of Confederate soldiers—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: Papers to accompany claim of Mrs. Lawrence—to the Committee on War Claims.

By Mr. GARNER: Paper to accompany bill for relief of Alexander Moore—to the Committee on Pensions.

Also, paper to accompany bill for relief of Floyd L. Frisbie—to the Committee on Pensions.

By Mr. GILBERT: Petition of the Spencer Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of Robert Grant and 180 others, of Wilson County, N. Dak., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Robert Grant and 211 others, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of S. S. Rodening et al., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of C. N. Barnes, against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Petitions of the Republican, the Enterprise, the Tribune, and the Buckeye News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of Admiral Bunce Naval Section, No. 42, against destruction of the frigate *Constitution*—to the Committee on Naval Affairs.

Also, petition of Liberty Council, No. 36, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Petition of the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Chicago Federation of Labor, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Nebraska Park Forest Association, favoring more experiment stations (bill H. R. 345)—to the Committee on Agriculture.

Also, petition of the Brotherhood of Locomotive Firemen, Overland Lodge, No. 123, favoring the Bates-Penrose bill and the Gilbert bill—to the Committee on the Judiciary.

By Mr. HOUSTON: Paper to accompany bill for relief of Abner B. Robertson—to the Committee on War Claims.

Also, paper to accompany bill for relief of the estate of James V. Hoover—to the Committee on War Claims.

Also, petition of citizens of Tullahoma, Tenn., for a public building (bill H. R. 7088)—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of New Jersey: Petition of Diamond Coun-

cil, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Petition of the Grand Valley Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUBBARD: Petitions of the Register, the Monitor, and the News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Sioux City Humane Society, against bills H. R. 47145 and 440—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petitions of the Perry Journal and the Roland Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of the Brotherhood of Painters, Decorators, and Paper Hangers of America, local union at Superior, Wis., for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

By Mr. JOHNSON: Petition for granting an increase of pension to Joseph A. Jones—to the Committee on Pensions.

By Mr. JONES of Washington: Petitions of the News Mines, the News Letter, the Kettle River Journal, the Columbian, the Davenport Tribune, the Sprague Times, the Northport Republican, the Register, and Bulletin, and the Spokane Press, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KAHN: Petition of 89 prominent citizens of San Francisco, Oakland, and Berkeley, Cal., favoring the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the California State Board of Health, for the Hepburn pure-food bill—to the Committee on Agriculture.

Also, petition of the California Club, of San Francisco, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

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

Also, petition of a committee of the Veterans' Home of California, favoring conversion of the State Home into a National Soldiers' Home—to the Committee on Military Affairs.

Also, petition of the Japanese and Korean Exclusion League, for maintaining of present Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the Manufacturers and Produce Association of California, for improvement of Yosemite Valley—to the Committee on Agriculture.

Also, petition of Golden Gate Council, No. 8, United Commercial Traders of America, favoring bill H. R. 5298—to the Committee on the Judiciary.

Also, petition of the California State Federation of Labor, for increased pay of enlisted musicians, and prohibiting competition with civilians—to the Committee on Labor.

Also, petition of the California State Federation of Labor, for an eight-hour workday for post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Sailors' Union of the Pacific, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. KELIHER: Petition of the Massachusetts State Board of Trade, indorsing bill H. R. 10056—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Deutscher Central Verband, against the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of John Clark—to the Committee on Invalid Pensions.

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

Also, paper to accompany bill for relief of Nicholas A. Bovee, John H. Morris, and Thomas H. Leslie—to the Committee on Invalid Pensions.

By Mr. KITCHIN: Petition of the Manufacturers' Club of High Point, N. C., relative to fast mail service from Washington to North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. KLEPPER: Petition of citizens of Liberty, Mo., and others, relating to abuses in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of citizens of Phoenix, N. Y., for pensions and per diem to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: Petition of the National Society of Colonial Dames, of Indiana, against commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. LILLEY of Pennsylvania: Paper to accompany bill for relief of A. G. Bailey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Edwin A. Gardner—to the Committee on Invalid Pensions.

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

By Mr. LINDSAY: Petition of the California Fruit Growers' Exchange, relative to transportation rates for fruit—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLEFIELD: Petitions of the School World, the Farmington Chronicle, the Bowdoin Quill, and the Courier-Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Petitions of the Atlanta Journal Company, the Railroad Record, the Watts Railway Guide, the Free Press, and the Christian Union, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORIMER: Petitions of the Press-News, the Pythian Record, the Enington Joker, Chas. H. Webb, La Tribune Italiana, the Geringer Press, the Musical Standard, E. O. Vaile, the Interior, Dziennik Narodowy, the Chicago Packer, the Standard Opinion, the Chicago Banker, the New Voice, the World To-Day, the Western Brewer, and the Construction News Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LOUD: Paper to accompany bill for relief of Henry West—to the Committee on Invalid Pensions.

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

By Mr. McALL: Petition of the editor of Poet Lore and other publications, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Sturtevant Mill Company and others, for the removal of the tax on ethyl alcohol—to the Committee on Ways and Means.

By Mr. McKINLEY of Illinois: Petition of the Democrat Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MANN: Petition of the Chicago Federation of Labor, for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the Illinois Manufacturers' Association, relative to a canal from the Great Lakes to the Gulf—to the Committee on Railways and Canals.

By Mr. MINOR: Petition of the Fox River Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOUSER: Petition of the Commercial Club of Gallion, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the Star-Journal and the Daily Register, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of 50 citizens of Milwaukee, for bills H. R. 3134 et al.—to the Committee on the District of Columbia.

Also, petition of the Wisconsin Sunday Rest Day Association, relative to a Sunday law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET: Petition of the locomotive firemen of Indianapolis, favoring bill H. R. 239—to the Committee on the Judiciary.

Also, petition of the Lumber Retail Dealers' Association, for removal of the tariff on lumber—to the Committee on Ways and Means.

Also, petition of Charles E. Allen and J. C. McIlvaine, relative to the "fraud order"—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Indianapolis Humane Society and N. W. Butler, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of Frank H. Carter, favoring bill H. R. 8988—to the Committee on Coinage, Weights, and Measures.

Also, petition of Robert Metzger, W. E. Henry, and H. W. Pemberton, against bill H. R. 45—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petitions of the Record, the Press, the Triweekly Tribune, the Daily News, and the Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Potomac Lodge, No. 7, Brotherhood of Locomotive Firemen, relative to bill H. R. 239—to the Committee on the Judiciary.



Also, petition of the Pennsylvania Dairy Union, relative to bill H. R. 345—to the Committee on Agriculture.

Also, petition of Campbells Ledge Division, No. 65, Order of Railway Conductors, for restraining orders in certain cases—to the Committee on the Judiciary.

Also, petition of Division No. 25, Order of Railway Conductors, of Pittston, and Keystone Lodge, No. 42, Brotherhood of Railway Trainmen, of Harrisburg, Pa., relative to bill H. R. 239—to the Committee on the Judiciary.

Also, petition of M. B. Hughes Camp, No. 88, Sons of Veterans, relative to bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of McKees Rocks (Pa.) Division, No. 201, Order of Railway Conductors, relative to bill H. R. 9328—to the Committee on the Judiciary.

By Mr. PARSONS: Petitions of the Converted Catholic, the Medical Times, the Army and Navy Journal, the Adams Monthly, the Baptist Home Mission Monthly, and the Home Friend, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PERKINS: Petitions of Taylor Bros. & Co. and others, and the Brotherhood of Painters, Decorators, and Paper Hangers of America, of Rochester, N. Y., for repeal of the duty on denatured alcohol—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of the National Academy of Science, for passage of bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Nebraska Stock Growers' Association, for leasing of public lands of the West—to the Committee on the Public Lands.

Also, petition of the Nebraska Academy of Science, for passage of the Lacey bill relative to the Cliff Dwellers of the West—to the Committee on the Public Lands.

Also, petition of the Nebraska Park and Forestry Association, for an increase of experiment stations—to the Committee on Agriculture.

By Mr. REYNOLDS: Petitions of East Tyrone Council, No. 346; Orient Council, No. 72; Pride of the Mountain Council, of Altoona; Daniel Webster Council, and Cresson Council, No. 108, Junior Order United American Mechanics; Morrellville Circle, No. 78, and Sherr Orr Camp, Sons of Veterans, of Johnston, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

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

Also, petitions of Granges Nos. 1117, 737, and 1124, of Pennsylvania, for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Suter, jr.—to the Committee on Invalid Pensions.

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

Also, paper to accompany bill for relief of Frank M. Amos—to the Committee on Invalid Pensions.

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

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

By Mr. RICHARDSON of Alabama: Evidence in the claim of Mary A. Summerhill—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany bill for relief of the supervisors of Stafford County, Va.—to the Committee on War Claims.

By Mr. RUPPERT: Petition of the National Press-Intelligence Company, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the National Business League, for an amendment of the Lodge consular bill as originally drafted—to the Committee on Foreign Affairs.

Also, petition of the board of directors of the California Fruit Growers' Exchange, relative to Government control of railway rates and private car lines—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the National Business League, for reform of the consular service—to the Committee on Foreign Affairs.

By Mr. SCROGGY: Papers to accompany bill (H. R. 9617) granting an increase of pension to David A. Kirk—to the Committee on Invalid Pensions.

Also, resolution of the National Grange of Patrons of Husbandry, at Atlantic City, N. J., and petitions of J. E. Oribaugh, of Wilmington, Ohio, and Farmers' Grange, No. 13, of Waynesville, Ohio, requesting removal of the tax on denatured alcohol—to the Committee on Ways and Means.

Also, petitions of Wilmington Council, Junior Order United American Mechanics, and J. D. Vandervort and others, of Port William, Ohio, for the enactment of stricter immigration laws—to the Committee on Immigration and Naturalization.

Also, papers in the matter of the application of Orlando W. Frazier for a pension—to the Committee on Invalid Pensions.

Also, petition of H. R. Speelman, against passage of bill H. R. 8131—to the Committee on Military Affairs.

By Mr. SHARTEL: Petition of the Sarcosie Record, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Two Rivers Division, No. 151, Order of Railway Conductors, to secure a favorable report on bills H. R. 9328 and 239 and S. 1657—to the Committee on the Judiciary.

By Mr. SOUTHARD: Petition of the Lake Seamen's Union of Toledo Ohio, for improvement in merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. SPERRY: Petition of the Wilcox & White Company, of Meriden, Conn., for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

Also, petition of officers of the First National Bank of Portland, Conn., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Naval Veterans of Connecticut, for preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

Also, petition of Mary Floyd Tallmadge Chapter, Daughters of the American Revolution, for a reservation in the White Mountains—to the Committee on Agriculture.

By Mr. SPIGHT: Paper to accompany bill for relief of estate of Abner W. Lanier—to the Committee on War Claims.

By Mr. STERLING: Petition of the Towanda News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Chicago Federation of Labor, for improvement of the marine service—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULLIVAN of New York: Petition of the California Fruit Growers' Exchange, for rate control by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Board of Trade, of Philadelphia, Pa., favoring bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Staten Island Transcript, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the New York Produce Exchange, against rate control by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Produce Exchange, for a modification of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Fishel & Levy, of New York; Joseph Beck & Son; the Barrett Company; E. Elsing & Co., and P. W. Enge & Sons, for amendment to a pure-food bill—to the Committee on Agriculture.

Also, petition of the Edwin C. Burt Company, for repeal of the duty on hides—to the Committee on Ways and Means.

Also, petition of the National Business League, for bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of the National Board of Trade, relative to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of W. H. Comstock Company, the Buffalo Forge Company, the Rome Ax Company, and J. W. Wupperman, relative to forgeries on trade-marks—to the Committee on Patents.

Also, petition of Edward Eberle, relative to the Army and Navy dental corps—to the Committee on Military Affairs.

By Mr. TIRRELL: Petition of Harold Foss, relative to matters in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WEBB: Paper to accompany bill for relief of Jeremiah Lunsford—to the Committee on Invalid Pensions.

Also, petition of citizens of Lawndale, N. C., for repeal of the tax on hides—to the Committee on Ways and Means.

By Mr. WEEKS: Petition of the Women's Foreign Missionary Society of Newton Upper Falls, Mass., for investigating affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WILEY of Alabama: Paper to accompany bill for relief of S. M. Long (previously referred to Committee on Pensions)—to the Committee on Military Affairs.